

# ***NORTH CAROLINA REGISTER***

**VOLUME 14 • ISSUE 10 • Pages 737 - 902**

**RECEIVED**

**NOV 12 1999**

**KATHRINE R. EVERETT  
LAW LIBRARY**

**November 15, 1999**

## **IN THIS ISSUE**

Executive Orders  
Voting Rights Letters  
Administrative Hearings, Office of  
Environment and Natural Resources  
Foresters, Board of Registration for  
Health and Human Services  
Insurance  
Justice  
Physical Therapy Examiners, Board of  
Plumbing, Heating & Fire Sprinkler Contractors  
Real Estate Commission  
State Personnel  
Substance Abuse Professional Certification Board  
Rules Review Commission  
Contested Case Decisions

## **PUBLISHED BY**

***The Office of Administrative Hearings  
Rules Division  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Telephone (919) 733-2678  
Fax (919) 733-3462***

For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

**Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

Office of Administrative Hearings

Rules Division

Capehart-Crocker House

(919) 733-2678

424 North Blount Street

(919) 733-3462 FAX

Raleigh, North Carolina 27601-2817

contact: Molly Masich, Director APA Services

mmasich@oah.state.nc.us

Ruby Creech, Publications Coordinator

rcreech@oah.state.nc.us

**Fiscal Notes & Economic Analysis**

Office of State Budget and Management

116 West Jones Street

(919) 733-7061

Raleigh, North Carolina 27603-8005

(919) 733-0640 FAX

contact: Warren Plonk, Economist III

wplonk@osbm.state.nc.us

**Rule Review and Legal Issues**

Rules Review Commission

1307 Glenwood Ave., Suite 159

(919) 733-2721

Raleigh, North Carolina 27605

(919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel

Bobby Bryan, Staff Attorney

**Legislative Process Concerning Rule-making**

Joint Legislative Administrative Procedure Oversight Committee

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

contact: Mary Shuping, Staff Liaison

marys@ms.ncga.state.nc.us

**County and Municipality Government Questions or Notification**

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities

215 North Dawson Street

(919) 715-4000

Raleigh, North Carolina 27603

contact: Paula Thomas

# NORTH CAROLINA REGISTER



**Volume 14, Issue 10**  
**Pages 737 - 902**

**November 15, 1999**

This issue contains documents officially filed  
through October 22, 1999.

Office of Administrative Hearings  
Rules Division  
424 North Blount Street (27601)  
PO Drawer 27447  
Raleigh, NC 27611-7447  
(919) 733-2678  
FAX (919) 733-3462

Julian Mann III, Director  
Camille Winston, Deputy Director  
Molly Masich, Director of APA Services  
Ruhya Creech, Publications Coordinator  
Linda Dupree, Editorial Assistant  
Jessica Flowers, Editorial Assistant

## IN THIS ISSUE

<b>I. EXECUTIVE ORDERS</b>	
Executive Orders 162 - 164	737 - 738
<b>II. IN ADDITION</b>	
Voting Rights Letters	739 - 741
<b>III. RULE-MAKING PROCEEDINGS</b>	
<b>Environment and Natural Resources</b>	
Environmental Management Commission	743 - 749
<b>Health and Human Services</b>	
Child Care Commission	742
Social Services	742 - 743
<b>Licensing Boards</b>	
Plumbing, Heating & Fire Sprinkler Contractors	749
Substance Abuse Professional Certification Bd	749
<b>IV. PROPOSED RULES</b>	
<b>Environment and Natural Resources</b>	
Environmental Management	755 - 757
Health Services	757 - 767
<b>Health and Human Services</b>	
Health Services	767 - 771
Medical Assistance	750 - 752
<b>Insurance</b>	
Agent Services Division	752 - 755
<b>Licensing Boards</b>	
Physical Therapy Examiners, Board of	771 - 772
Real Estate Commission	772 - 797
<b>V. TEMPORARY RULES</b>	
<b>Environment and Natural Resources</b>	
Environmental Management	823 - 838
<b>Health and Human Services</b>	
Secretary of Health and Human Services	799 - 809
Social Services Commission	798 - 799
<b>Insurance</b>	
Financial Evaluation Division	811 - 819
Life and Health Division	819 - 822
Property and Casualty Division	809 - 811
Special Services Division	822 - 823
<b>VI. APPROVED RULES</b>	
<b>Administrative Hearings, Office of</b>	
Civil Rights Division	
General	
Rules Division	
<b>Environment and Natural Resources</b>	
Coastal Management	
Environmental Management Commission	
Health Services	
Sedimentation Control Commission	
Well Contractors Certification Commission	
Wildlife	
<b>Health and Human Services</b>	
Health Services	
<b>Insurance</b>	
Life and Health Division	
<b>Justice</b>	
Criminal Justice Ed & Training Standards Commission	
<b>Licensing Boards</b>	
Foresters, Board of Registration for	
<b>State Personnel</b>	
State Personnel Commission	
<b>VII. RULES REVIEW COMMISSION</b>	885 - 892
<b>VIII. CONTESTED CASE DECISIONS</b>	
Index to ALJ Decisions	893 - 899
Text of Selected Decisions	
98 EHR 1735	900 - 902
<b>IX. CUMULATIVE INDEX</b>	1 - 85

*North Carolina Register* is published semi-monthly for \$195 per year by the Office of Administrative Hearings, 424 North Blount Street, Raleigh, NC 27601 (ISSN 15200604) to mail at Periodicals Rates is paid at Raleigh, NC. POSTMASTER: Send Address changes to the *North Carolina Register*, PO Drawer 27447, Raleigh, NC 27611-7447

# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

*The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.*

## TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
19A	Transportation	Landscape Contractors	28
20	Treasurer	Marital and Family Therapy	31
*21	Occupational Licensing Boards	Medical Examiners	32
22	Administrative Procedures (Repealed)	Midwifery Joint Committee	33
23	Community Colleges	Mortuary Science	34
24	Independent Agencies	Nursing	36
25	State Personnel	Nursing Home Administrators	37
26	Administrative Hearings	Occupational Therapists	38
27	NC State Bar	Opticians	40
		Optometry	42
		Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

**Note:** Title 21 contains the chapters of the various occupational licensing boards.



# NORTH CAROLINA REGISTER

## Publication Schedule

(April 1999 - January 2000)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT (either column A or column B)						TEMPORARY RULE	
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			270 <sup>th</sup> day from issue date
					end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
13:19	04/01/99	03/11/99	06/01/99	04/16/99	05/03/99	05/20/99	05/09/00	05/31/99	06/21/99	05/09/00	12/27/99
13:20	04/15/99	03/24/99	06/15/99	04/30/99	05/17/99	05/20/99	05/09/00	06/14/99	06/21/99	05/09/00	01/10/00
13:21	05/03/99	04/12/99	07/15/99	05/18/99	06/02/99	06/21/99	05/09/00	07/02/99	07/20/99	05/09/00	01/28/00
13:22	05/14/99	04/23/99	07/15/99	06/01/99	06/14/99	06/21/99	05/09/00	07/13/99	07/20/99	05/09/00	02/08/00
13:23	06/01/99	05/10/99	08/02/99	06/16/99	07/01/99	07/20/99	05/09/00	08/02/99	08/20/99	05/09/00	02/26/00
13:24	06/15/99	05/24/99	08/16/99	06/30/99	07/15/99	07/20/99	05/09/00	08/16/99	08/20/99	05/09/00	03/11/00
14:01	07/01/99	06/10/99	09/01/99	07/16/99	08/02/99	08/20/99	05/09/00	08/30/99	09/20/99	05/09/00	03/27/00
14:02	07/15/99	06/23/99	09/15/99	07/30/99	08/16/99	08/20/99	05/09/00	09/13/99	09/20/99	05/09/00	04/10/00
14:03	08/02/99	07/12/99	10/01/99	08/17/99	09/01/99	09/20/99	05/09/00	10/01/99	10/20/99	05/09/00	04/28/00
14:04	08/16/99	07/26/99	10/15/99	08/31/99	09/15/99	09/20/99	05/09/00	10/15/99	10/20/99	05/09/00	05/12/00
14:05	09/01/99	08/11/99	11/01/99	09/16/99	10/01/99	10/20/99	05/09/00	11/01/99	11/22/99	05/09/00	05/28/00
14:06	09/15/99	08/24/99	11/15/99	09/30/99	10/15/99	10/20/99	05/09/00	11/15/99	11/22/99	05/09/00	06/11/00
14:07	10/01/99	09/10/99	12/01/99	10/18/99	11/01/99	11/22/99	05/09/00	11/30/99	12/20/99	05/09/00	06/27/00
14:08	10/15/99	09/24/99	12/15/99	11/01/99	11/15/99	11/22/99	05/09/00	12/14/99	12/20/99	05/09/00	07/11/00
14:09	11/01/99	10/11/99	01/04/00	11/16/99	12/01/99	12/20/99	05/09/00	12/31/99	01/20/00	05/09/00	07/28/00
14:10	11/15/99	10/22/99	01/14/00	11/30/99	12/15/99	12/20/99	05/09/00	01/14/00	01/20/00	05/09/00	08/11/00
14:11	12/01/99	11/05/99	02/01/00	12/16/99	12/31/99	01/20/00	05/09/00	01/31/00	02/21/00	05/09/00	08/27/00
14:12	12/15/99	11/22/99	02/15/00	12/30/99	01/14/00	01/20/00	05/09/00	02/14/00	02/21/00	05/09/00	09/10/00
14:13	01/04/00	12/09/99	03/15/00	01/19/00	02/03/00	02/21/00	05/09/00	03/06/00	03/20/00	05/09/00	09/30/00
14:14	01/14/00	12/21/99	03/15/00	01/31/00	02/14/00	02/21/00	05/09/00	03/14/00	03/20/00	05/09/00	10/10/00

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> <li>(1) temporary rules;</li> <li>(2) notices of rule-making proceedings;</li> <li>(3) text of proposed rules;</li> <li>(4) text of permanent rules approved by the Rules Review Commission;</li> <li>(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;</li> <li>(6) Executive Orders of the Governor;</li> <li>(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;</li> <li>(8) orders of the Tax Review Board issued under G.S. 105-241.2; and</li> <li>(9) other information the Codifier of Rules determines to be helpful to the public.</li> </ul> <p><b>COMPUTING TIME:</b> In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>	<p><b>ISSUE DATE:</b> The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p><b>LAST DAY FOR FILING:</b> The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p><b>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:</b> This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p><b>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:</b> The date of the next issue following the end of the comment period.</p>	<p><b>EARLIEST DATE FOR PUBLIC HEARING:</b> The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p><b>END OF REQUIRED COMMENT PERIOD</b></p> <p>(1) <b>RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</p> <p>(2) <b>RULE WITH SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p> <p><b>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:</b> The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p><b>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:</b> This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

**EXECUTIVE ORDER NO. 162  
EXTENDING EXECUTIVE ORDER NO. 159  
EMERGENCY RELIEF FOR DAMAGE  
CAUSED BY HURRICANE FLOYD**

By the power and authority vested in me as Governor by the Constitution and laws of the State of North Carolina, IT IS ORDERED:

Executive Order Number 159, Emergency Relief for Damage Caused by Hurricane Floyd, is re-instituted and the provisions therein shall remain in full force and effect through November 15, 1999.

Done in the Capital City of Raleigh, North Carolina, this the 18th day of October, 1999.

**EXECUTIVE ORDER NO. 163  
EXTENDING QUALIFIED IMMUNITY OF  
PROFESSIONAL ENGINEERS**

WHEREAS, North Carolina General Statute § 89C-19.1 grants qualified immunity to professional engineers who voluntarily, without compensation, provide structural, electrical, mechanical, or other engineering services at the scene of a declared disaster or emergency under circumstances more fully described in the said statute; and

WHEREAS, professional engineers have been providing such voluntary services in the aftermath of Hurricane Floyd; and

WHEREAS, under North Carolina General Statute § 89C-19.1 the qualified immunity terminates forty five days after the declaration of the emergency or disaster, unless the qualified immunity period is extended by an executive order issued by the Governor under the Governor's emergency executive powers; and

WHEREAS, it is necessary and appropriate to extend the qualified immunity period.

NOW, THEREFORE, by the power vested in me as Governor by the laws and Constitution of the State of North Carolina, IT IS ORDERED:

Section 1. Qualified Immunity Period Extended

In accordance with the provisions of North Carolina General Statute § 89C-19.1, the statutorily allowed qualified immunity to professional engineers who are voluntarily, without compensation, providing structural, electrical, mechanical, or other engineering services at the scene of Hurricane Floyd declared disaster or emergency areas is hereby extended for forty five days.

Section 2. Effective Date of Extension

This extension period shall begin immediately upon the expiration of the initial forty five day qualified immunity period

provided by North Carolina General Statute § 89C-19.1(b)(2).

Done in the Capital City of Raleigh, North Carolina, this the 18th day of October, 1999.

**EXECUTIVE ORDER NO. 164  
DELEGATION OF AUTHORITY  
TO ATTORNEY GENERAL  
TO ASSIST LOCAL GOVERNMENTS IN  
HURRICANE FLOYD RECOVERY EFFORTS**

WHEREAS, I have proclaimed, pursuant to G.S. 166A-6 and G.S. 14-288.15, that a state of disaster and state of emergency exists in North Carolina due to Hurricane Floyd and resultant flood damage; and

WHEREAS, thousands of victims of Hurricane Floyd and the resultant flooding in eastern North Carolina have incurred severe damages to their homes, businesses and other property; and

WHEREAS, the victims of such damages are in great need of legitimate, honest, and competent contractors and other service providers to perform necessary repairs, reconstruction, cleanup and other remedial services; and

WHEREAS, based on prior experience, I am concerned that homeowners and business owners contracting for such services may be taken advantage of by unscrupulous contractors and service providers, and that it is the responsibility of the State of North Carolina to minimize such risk to the citizens of the State; and

WHEREAS, there is a need for the establishment of contractor and service provider monitoring programs to assist the victims of Hurricane Floyd in obtaining the timely services of legitimate, honest and skilled professionals while avoiding victimization by unscrupulous practices; and

WHEREAS, local governments may have insufficient resources in this time of crisis to adequately protect their citizens from unscrupulous practices; and

WHEREAS, the Attorney General has offered the services of his office to support local government efforts to monitor contracting practices and to provide other legal assistance in severely impacted counties; and

WHEREAS, I have determined that the interests of local governments and citizens in severely impacted counties will benefit from the assistance of the Attorney General in this effort.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, IT IS ORDERED:

1. The Attorney General shall, as soon as reasonably



possible, contact local officials in severely impacted counties and offer the assistance of his office in establishing local programs to monitor and deter unscrupulous contracting practices in connection with Hurricane Floyd recovery efforts.

2. The Attorney General is authorized to utilize such law enforcement and other personnel within his department as may be necessary, in his judgment, to provide assistance requested by local governments.
3. Local governments may establish and, if requested by local governments the Attorney General may assist in the establishment of contractor monitoring programs in flood or hurricane damaged areas which may include:
  - a. Verification of any professional or other business licenses issued to contractors by their state of residence or principal place of business.
  - b. Information verifying compliance with such insurance requirements as may be mandated by North Carolina laws.
  - c. A background check of state and national criminal history records upon submission of appropriate fingerprint cards.
  - d. Execution of a sworn affidavit by the contractor certifying that all work performed shall be for a price reasonable under the circumstances and consistent with the quality generally expected of that particular trade or profession.
  - e. Procedures for revocation of the authority to do business in flood or hurricane damaged areas upon evidence that unacceptable practices or other violations of the program have occurred.
- f. Procedures for referral of unlawful activities or violations of this Executive Order to appropriate authorities for expeditious prosecution.
- g. Random or systematic monitoring and identity checks of contractors and service providers by law enforcement authorities to further program compliance and the minimization of unethical practices.
4. All state and local law enforcement authorities are directed to provide such assistance, including enforcement activities, as the Attorney General may request in implementing this program.
5. Contractor monitoring programs established by local governments in accordance with this Order shall not be subject to conflicting rules or regulations issued by any state or local governmental entity.
6. The Attorney General is further authorized, in his discretion, to provide such other legal or law enforcement services as may be requested by local governments or determined by the Attorney General to be in the best interest of the State of North Carolina.
7. This Executive Order is effective immediately, and shall remain in effect until rescinded.

Done in the Capital City of Raleigh, North Carolina this the 18th day of October, 1999.



*This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.*

U.S. Department of Justice

Civil Rights Division

JDR:DHH:NT:jdh  
DJ 166-012-3  
99-2408

*Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128*

October 4, 1999

Richard J. Rose  
Poyner & Spruill  
P.O. Box 353  
Rocky Mount, North Carolina 27802

Dear Mr. Rose:

This refers to two annexations (Ordinance Nos. 0-99-19 and 0-99-40) to the city of Rocky Mount in Edgecombe County and Nash Counties, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on April 19, 1999.

The Attorney General does not interpose any objection of the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Joseph D. Rich  
Acting Chief  
Voting Section

U.S. Department of Justice

Civil Rights Division

JDR:DHH:NT:par  
DJ 166-012-3  
99-2425 Washington, D.C. 20035-6128

*Voting Section*  
*P.O. Box 66128*

October 6, 1999

Donald I. McRee, Jr., Esq.  
County Attorney  
P.O. Box 39  
Elizabeth City, North Carolina 27907-0039

Dear Mr. McRee:

This refers to the polling place change (Nixonton Precinct) for Pasquotank County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on April 20, 1999.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Joseph D. Rich  
Acting Chief  
Voting Section

U.S. Department of Justice

Civil Rights Division

JDR:DHH:NT:par  
DJ 166-012-3  
1999-2487

*Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128*

October 8, 1999

David Holec, Esq.  
City Attorney  
P.O. Box 7207  
Greenville, North Carolina 27835-7207

Dear Mr. Holec:

This refers to eight annexations (Ordinance Nos. 99-64 through 99-71) and their designation to council districts of the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 25, 1999.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Joseph D. Rich  
Acting Chief  
Voting Section

*A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.*

**TITLE 10 - DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**CHAPTER 3 - FACILITY SERVICES**

**SUBCHAPTER 3U - CHILD DAY CARE STANDARDS**

*Notice of Rule-making Proceedings is hereby given by the North Carolina Child Care Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.*

**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 3U .0700. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143B-168.3

**Statement of the Subject Matter:** Child care rules regarding in-service training for child care providers

**Reason for Proposed Action:** The Child Care Commission proposes rulemaking in order to clarify the approval or disapproval of agencies or individuals to offer in-service training for child care providers.

**Comment Procedures:** Questions or written comments regarding this matter may be directed to Janice Fain, APA Coordinator, Division of Child Development, 319 Chapanoke Road, PO Box 29553, Raleigh, NC 27526-0553; (919) 662-4543.

\*\*\*\*\*

**CHAPTER 41 - CHILDREN'S SERVICES**

**SUBCHAPTER 41H - ADOPTION STANDARDS**

**SUBCHAPTER 41P - CHILD-PLACING AGENCIES:  
ADOPTION**

*Notice of Rule-making Proceedings is hereby given by the Social Services Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments*

*received on this notice.*

**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 41H; 41P. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 48; 131D-10.5; 143B-153

**Statement of the Subject Matter:** The Social Services Commission intends to amend rules in 10 NCAC 41H to reflect technical citation changes and history note changes made previously. Additionally, the Commission intends to amend 10 NCAC 41P to reflect changes in federal law regarding the recruitment of adoptive homes.

**Reason for Proposed Action:** An amendment to the Multiracial Placement Act, necessitates the need to amend the rules. The Interethnic Provision prohibits the consideration of race, color, or national origin as a basis for the placement of a child for adoption. Amendment of APA rules is necessary to ensure that county departments of social services and private child-placing agencies licensed for adoption adhere to the provisions of both the 1994 MEPA and the 1996 additions to MEPA.

**Comment Procedures:** Anyone wishing to comment should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, 2401 Mail Service Center, Raleigh, NC 27699-2401, phone 919-733-3055.

\*\*\*\*\*

**CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT**

**SUBCHAPTER 42E - ADULT DAY CARE  
STANDARDS FOR CERTIFICATION**

**SUBCHAPTER 42Z - ADULT DAY HEALTH  
STANDARDS FOR CERTIFICATION**

*Notice of Rule-making Proceedings is hereby given by the Social Services Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.*



**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 42E; 42Z. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 131D-6; 143B-153.

**Statement of the Subject Matter:** 10 NCAC 42E and 10 NCAC 42Z govern the provision of Adult Day Care and Adult Day Health services as mandated by G.S. 131D-6.

**Reason for Proposed Action:** S.L. 1999-334 requires adult day care programs that provide, advertise, market or otherwise promote themselves as providing special care services for persons with Alzheimer's disease or other dementias, a mental health disability or other special needs disease or condition to develop written disclosures. The disclosure of their policies and procedures on "special care" shall be made available to the Department and to individuals seeking services. Additional rules have been developed to assure quality implementation of the disclosure of specialized care in the area of facility, enrollment, individual service plans, staff training and programming.

**Comment Procedures:** Anyone wishing to comment should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, phone 919-733-3055.

## TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

### CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

#### SUBCHAPTER 2C - WELL CONSTRUCTION STANDARDS

**Notice of Rule-making Proceedings** is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 2C .0102-.0103, .0105, .0107-.0108, .0110-.0114, .0117-.0118. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 87-85; 87-87; 87-88; 143-214.2; 143-215.1; 143-215.3; 143-355(e); 150B-23.

**Statement of the Subject Matter:** The proposed amendments to the 15A NCAC 2C .0100 Well Construction Standards are summarized as follows:  
Specifies new definitions and amends others definitions in

Rule .0101 to communicate requirements more clearly. The amendment adds definitions for "clay", "formation material", "vent" and "yield".

Repeals the registration requirements for well contractors by January 1, 2000 in Rule .0103. Well driller registration is to be replaced by well contractor certification requirements under title 15A NCAC 27 (Temporary Rules effective on 12/15/99; Permanent Rules approved by the Rules Review Commission for Legislative Review on 09/30/99). No changes are proposed to the requirements governing pump installer registration.

Clarifies permitting requirements under Rule .0105. Removes permitting requirements for wells intended for the recovery of minerals and ores. Removes permitting requirements for oil and gas exploratory and recovery wells. Requires that monitoring wells be installed by a permit.

Rule .0107 clarifies minimum horizontal separation requirements, casing requirements, well grouting requirements, requirements for gravel-and-sand packed wells, well development requirements, and applicable identification plate requirements. The rule clarified minimum separation requirements for certain types of solid waste landfills, building foundations, surface water bodies. Specifies a new minimum separation requirement of 50 feet for petroleum tanks used for heating equipment, boilers, or furnaces. Clarifies that the minimum horizontal distances for locating a well are those that exist at the time of well construction. The proposed rules also specify that if thermoplastic casing is used in well construction, that it not be driven into consolidated rock. The rule is amended to specify that when wells are constructed in a consolidated rock formation, casing must be firmly seated five feet into rock instead of one foot.

Rule .0108 clarifies standards for well used for purposes other than water supply and removes unnecessary requirements. Specifies that the upper most three feet of grout below land surface must be a "concrete" or "cement-type grout" so as to provide well casing stability. Specifies that these kinds of wells are to be secured with a locking cap. The proposed changes remove requirements for groundwater level measuring wells.

Minor editorial revisions and a few clarifications are proposed for Rule .0110 (Well Tests for Yield), Rule .0111 (Disinfection of Water Well Supplies), Rule .0112 (Well Maintenance; Repair; Groundwater Resources), and Rule .0114 (Data and Records Required). A change to Rule .0112 requires the well owner maintain the well in such a manner that it will conserve and protect groundwater resources. An amendment to Rule .0114 specifies that, if the Division makes a request for samples of formation cuttings, the well contractor will provide those samples to the Division prior the completion of drilling or boring activities.

Rule .0113 specifies changes to abandonment procedures for permanently abandoned wells, temporary wells, monitoring wells, and wells that are bored or hand dug into unconsolidated material. The proposed changes allow for the use of various grouts, dry clay or material excavated during drilling as abandonment fill material for well abandonment at

temporary wells, monitoring wells, or wells that are bored or hand dug. The rule also specifies that disinfection of abandoned wells be performed using a 70% hypochlorite solution and in accordance with the requirements of 15A NCAC 2C .0111. The use of commercial household bleach will no longer be allowed under this rule.

Changes to Rule .0117 (Designated Areas: Wells Cased to Minimum Depth of 35 Feet) redefines the designated areas where wells are to be cased to a minimum depth of 35 feet.

Changes to variance requirements in Rule .0118 specifies that the Director will respond to a request for a variance in writing within 30-day upon receipt.

**Reason for Proposed Action:**

**15A NCAC 2C .0102-.0103, .0105, .0107-.0108, .0110-.0114, .0117-.0118** - The last set of amendments to the 15A NCAC 2C .0100 (Well Construction Standards) went into effect on December 1, 1992. Since that time, the Groundwater Section has found that it is necessary to clarify specifications for some wells, strengthen other requirements, and remove unnecessary

requirements. From mid-1997 through August 1999 the Groundwater Section developed rule changes and met with stakeholders on changes to these rules. In addition, well driller registration requirements are being removed to be consistent with Session Law 1997-358. This law amended the registration requirement in G.S. 143-355(e) by requiring the funds collected under this program be placed in a non-reverting Well Construction Fund adopted under G.S. 87-98.9. Monies collected in this fund are to be used for the administration of Well Contractor Certification. Changes to the Well Construction Standards in 15A NCAC 2C .0100 will need to be done through rulemaking pursuant to G.S. 150B.

**Comment Procedures:**

All persons interested in this proposed amendment are encouraged to submit written comments or questions to David Hance, ENR-DEM: Groundwater Section, PO Box 29578, Raleigh, North Carolina, 27626-0578. Comments may also be sent by fax transmission to Mr. Hance at (919) 715-0588 or via electronic mail to David.Hance@ncmail.net.

\*\*\*\*\*

**CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

**SUBCHAPTER 2L - GROUNDWATER CLASSIFICATION  
AND STANDARDS**

**Notice of Rule-making Proceedings** is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 2L .0202. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143-214.1; 143B-282(a)(2)

**Statement of the Subject Matter:** The amendment to 15A NCAC 2L .0202 proposes changes to thirty-six of the current Groundwater Quality Standards for these substances in Class GA and Class GSA groundwaters. Groundwater Quality Standards that are shown in bold typeface are proposed to have the concentration level lowered (i.e. made more restrictive and protective). Groundwater Quality Standards for which the numeric concentrations are proposed to be increased (i.e. made less restrictive) are displayed in normal typeface. These substances are shown with their current Groundwater Quality Standard and the proposed change. Unless otherwise noted, numeric standards for these substances are shown in milligrams per liter as follows as follows:

<u>SUBSTANCE</u>	<u>CURRENT CONCENTRATION</u> (milligrams per liter or mg/L)	<u>NEW CONCENTRATION</u> (milligrams per liter or mg/L)
Acrylamide	0.00001	0.000008
Arsenic	0.05	0.00002
Boron	0.32	0.315
Bromoform	0.0019	0.00443
Cadmium	0.005	0.00175
Carbofuran	0.036	0.035
Carbon Tetrachloride	0.0003	0.000269

<b>Chlordane</b>	<b>2.7 x 10<sup>-5</sup></b>	<b>2.69 x 10<sup>-5</sup></b>
Chloroform	0.00019	0.0057
2-Chlorophenol	0.001	0.035
♣ <b>Chromium</b>	<b>0.05</b>	<b>0.00175</b>
<b>Cyanide</b>	<b>0.154</b>	<b>0.07</b>
<b>1,2-Dichlorobenzene</b>	<b>0.62</b>	<b>0.024</b>
1,3-Dichlorobenzene	0.62	0.63
<b>1,4-Dichlorobenzene</b>	<b>0.075</b>	<b>0.011</b>
<b>1,1-Dichloroethane</b>	<b>0.7</b>	<b>0.07</b>
<b>1,1-Dichloroethylene</b>	<b>0.007</b>	<b>5.8 x 10<sup>-5</sup></b>
<b>1,2-Dichloropropane</b>	<b>0.00056</b>	<b>0.00051</b>
<b>Di(2-ethylhexyl)phthalate</b>	<b>0.003</b>	<b>0.0025</b>
<b>1,4-Dioxane</b>	<b>0.007</b>	<b>0.00318</b>
Ethylbenzene	0.029	0.70
Ethylene Glycol	7.0	14.0
<b>Fluoride</b>	<b>2.0</b>	<b>1.0</b>
<b>Heptachlor</b>	<b>8.0 x 10<sup>-6</sup></b>	<b>7.8 x 10<sup>-6</sup></b>
<b>Heptachlor Epoxide</b>	<b>4.0 x 10<sup>-6</sup></b>	<b>3.8 x 10<sup>-6</sup></b>
<b>Heptane</b>	<b>2.1</b>	<b>0.42</b>
<b>Mercury</b>	<b>0.0011</b>	<b>0.00105</b>
<b>Methylene Chloride</b>	<b>0.005</b>	<b>0.0046</b>
Methyl Ethyl Ketone	0.17	4.20
<b>Methyl Tert Butyl Ether</b> (MTBE)	<b>0.200</b>	<b>0.070</b>
<b>Pentachlorophenol</b>	<b>0.0003</b>	<b>0.00029</b>
♥ <b>Radium-226</b>	<b>5 pCi/L</b>	<b>0.160 pCi/L</b>
♥ <b>Radium-228</b>	<b>5 pCi/L</b>	<b>0.192 pCi/L</b>
<b>Silver</b>	<b>0.018</b>	<b>0.0175</b>
trans-1,2-Dichloroethylene	0.07	0.10
<b>Zinc</b>	<b>2.1</b>	<b>1.05</b>

♣ - The current Groundwater Quality Standard for Chromium is listed in 15A NCAC 2L .0202(g)(17). The recommended Groundwater Quality Standard for Chromium is two valances of Chromium which, will be proposed as "Total Chromium (III and IV)".

♥ - The current Groundwater Quality Standards of Radium is a combined total of Radium-226 and Radium-228. The recommended Groundwater Quality Standard to be proposed in the amendment will specify the Groundwater Quality Standards for Radium-226 and Radium-228 as separate substances. Groundwater Quality Standards for these radioisotopes are expressed as units of picocuries per Liter. A curie (Ci) is the unit of activity of a radioactive substance that corresponds to  $3.7 \times 10^{10}$  disintegrations per second and is approximately equal to 1 gram of radium. A picocurie (pCi) is one/one-trillionth part of a curie.

**Reason for Proposed Action:** The amendment to 15A NCAC 2L .0202, Groundwater Quality Standards, will revise the current groundwater standards for Acrylamide, Arsenic, Boron, Bromoform, Cadmium, Carbofuran, Carbon Tetrachloride, Chlordane, Chloroform, 2-Chlorophenol, Total Chromium (III and IV), Cyanide, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 1,1-Dichloroethane, 1,1-Dichloroethylene, 1,2-Dichloropropane, Di(2-ethylhexyl)phthalate, 1,4-Dioxane, Ethylbenzene, Ethylene Glycol, Fluoride, Heptachlor, Heptachlor Epoxide, Heptane, Mercury, Methylene Chloride, Methyl Ethyl Ketone, Methyl-Tert Butyl Ether (MTBE), Pentachlorophenol, Radium-226, Radium-228, Silver, trans-1,2Dichloroethylene, and Zinc.

Action to amend the concentration levels for the 36 substances listed in 15A NCAC 2L .0202 is the result of a request for biennial review of Groundwater Quality Standards pursuant to 15A NCAC 2L .0202(f). The proposed rule changes are being made to incorporate the most updated health information and concentration levels as Groundwater Quality Standards in 15A NCAC 2L .0202. The 15A NCAC 2L .0202 Groundwater Quality Standards must be revised in accordance with the requirements of G.S. 150B.

**Comment Procedures:** All persons interested in this proposed amendment are encouraged to submit written comments or



questions to David Hance, ENR-DEM: Groundwater Section, PO Box 29578, Raleigh, NC, 27626-0578. Comments may also be sent by fax transmission to Mr. Hance at (919) 715-0588 or via electronic mail to David.Hance@ncmail.net.

\*\*\*\*\*

## CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

### SUBCHAPTER 2L - GROUNDWATER CLASSIFICATION AND STANDARDS

**Notice of Rule-making Proceedings** is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 2L .0202. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143-214.1; 143B-282(a)(2)

**Statement of the Subject Matter:** (The amendment addresses two separate issues under Roman Numeral I and Roman Numeral II):

**I. Establishing Groundwater Quality Standards in title 15A NCAC 2L .0202:** The amendment to 15A NCAC 2L .0202 proposes the establishment of Groundwater Quality Standards for thirty-eight substances in Class GA and Class GSA groundwaters. Numeric standards for these substances are shown in milligrams per liter as follows:

#### SUBSTANCE

#### ♣CONCENTRATION

⊗ Alkane Carbon Fraction Class C5-C8	0.42
⊗ Alkane Carbon Fraction Class C9-C18	4.20
⊗ Alkane Carbon Fraction Class C19-C32	42.0
! Aromatics Carbon Fraction Class C9-C32	0.210
Benzo(b)fluoranthene	$4.7 \times 10^{-5}$
Benzo(k)fluoranthene	$4.7 \times 10^{-4}$
Benzo(a)pyrene	$4.7 \times 10^{-6}$
sec-Butylbenzene	0.070
tert-Butylbenzene	0.070
n-Butylbenzene	0.070
Chloromethane	$2.6 \times 10^{-3}$
2-Chlorotoluene	0.14
Dibenz(a,h)anthracene	$4.7 \times 10^{-6}$
P,P' - Dichlorodiphenyl Dichloroethane (DDD)	$1.4 \times 10^{-4}$
P,P' - Dichlorodiphenyl Trichloroethane (DDT)	$1.0 \times 10^{-4}$
Dieldrin	$2.2 \times 10^{-6}$
2,4-Dimethylphenol (m-xylene)	0.14
Disulfoton	$2.8 \times 10^{-4}$
♥ Endosulfan II	0.0420
⊕ Endrin	$2.1 \times 10^{-3}$
▲ Hexachlorocyclohexane	$1.9 \times 10^{-5}$
Indeno(1,2,3-cd)pyrene	$4.7 \times 10^{-5}$
Isophorone	0.0368
Isopropylbenzene	0.070
2-Methylnaphthalene	0.0280
3-Methylphenol (m-cresol)	0.0350
4-Methylphenol (p-cresol)	0.00350
N-Nitrosodimethylamine	$7.0 \times 10^{-7}$



Petroleum Aliphatic Carbon Fraction Class C5-C8	0.42
Petroleum Aliphatic Carbon Fraction Class C9-C18	4.20
Petroleum Aliphatic Carbon Fraction Class C19-C36	42.0
Phorate	$1.4 \times 10^{-3}$
n-Propylbenzene	0.070
2,3,4,6-Tetrachlorophenol	0.210
1,2,3-Trichloropropane	$5.0 \times 10^{-6}$
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113)	210.0
1,2,4-Trimethylbenzene	0.350
1,3,5-Trimethylbenzene	0.350

♣ - *Interim Maximum Allowable Concentrations for these thirty-eight substances are currently in effect pursuant to title 15A NCAC 2L .0202(c). These concentrations will remain in effect until changes are made to 15A NCAC 2L .0202 in accordance with the rulemaking requirements of North Carolina General Statute 150B. Permanent rulemaking to implement Groundwater Quality Standards for these substances is necessary pursuant to the requirements of 15A NCAC 2L .0202.*

♠ - *The three alkane carbon fraction classes were established as interim maximum allowable concentrations under 15A NCAC 2L .0202 in order to implement risk based corrective action for petroleum underground storage tanks. 15A NCAC 2L .0202 requires that once an interim maximum allowable concentration is established, the Director of the Division of Water Quality must take action to initiate rulemaking to provide a permanent Groundwater Quality Standard for that substance. The Division of Public Health (formerly the Division of Epidemiology) recommended concentrations for these substances on January 26, 1998 pursuant to USEPA guidance. After the concentrations were established, the US EPA provided updated guidance for the use of carbon fraction classes in risk based assessments and corrective action. On February 5, 1998, the Division of Public Health recommended that petroleum aliphatic carbon fraction classes be used to replace these substances. The Division of Public Health was concerned that specifying only the alkane carbon fraction classes was not inclusive of other aliphatic carbon fractions such as alkenes and alkynes associated with petroleum releases. The amendment to the Groundwater Quality Standards in 15A NCAC 2L .0202 that will be presented to the public at hearing will provide the alkane carbon fraction classes with the petroleum aliphatic carbon fraction classes. The public notice of these new standards will specify that the Division of Water Quality anticipates that the alkane carbon fraction classes will no longer appear in the text of the rule after public hearing is held. Pursuant to 15A NCAC 2L .0202, interim maximum allowable concentrations for the alkane carbon fraction classes will remain in place until final rules are adopted pursuant to North Carolina General Statute 150B. The final text of the rule will either show that the alkane carbon fraction classes have either been adopted or deleted from the amendment.*

1 - *The Aromatics Carbon Fraction Class C9-C32 was established as an interim maximum allowable concentration under 15A NCAC 2L .0202 in order to implement risk based corrective action for petroleum underground storage tanks. 15A NCAC 2L .0202 requires that once an interim maximum allowable concentration is established, the Director of the Division of Water Quality must take action to initiate rulemaking to provide a permanent Groundwater Quality Standard for that substance. The Division of Public Health recommended a concentration for this substance on January 26, 1998 pursuant to USEPA guidance. After the concentrations were established, the US EPA provided updated guidance for the use of carbon fraction classes in risk based assessments and corrective action. On February 5, 1998, the Division of Public Health recommended an interim maximum allowable concentration and Groundwater Quality Standard for the Petroleum Aromatics Carbon Fraction Class C9-C22. This recommendation was made because aromatic carbon fractions above C22 are not generally associated with petroleum releases. The Division of Public Health and the Division of Waste Management-Underground Storage Tank Section has informed us that the current interim maximum allowable concentration for the Aromatics Carbon Fraction Class C9-C32 was of a class and carbon range inclusive of the proposed Petroleum Aromatics Carbon Fraction Class C9-C22. Based on discussions and a recommendation by the North Carolina Attorney General's Office, the Division did not establish an interim maximum allowable concentration for the Petroleum Aromatics Carbon Fraction Class C9-C22. The amendment to the Groundwater Quality Standards in 15A NCAC 2L .0202 that will be presented to the public at hearing will provide the Aromatics Carbon Fraction Class C9-C32. The public notice of this new standard will specify that the Division of Water Quality anticipates that the Aromatics Carbon Fraction Class C9-C32 will be deleted and replaced by Petroleum Aromatics Carbon Fraction Class C9-C22 in the text of the rule after the hearing has been held. The proposed concentration level for the Petroleum Aromatics Carbon Fraction Class C9-C22 will be 0.210 milligrams per liter. This concentration is the same as the interim maximum allowable concentration for the Aromatics Carbon Fraction Class C9-C32. Pursuant to 15A NCAC 2L .0202, interim maximum allowable concentrations for the Aromatics Carbon Fraction Class C9-C32 will remain in place until final rules are adopted pursuant to North Carolina General Statute 150B. The final text of the rule will show the Aromatics Carbon Fraction Class C9-C32, the Petroleum Aromatics Carbon Fraction Class C9-C22, or both the Aromatics Carbon Fraction Class C9-C32 and the Petroleum Aromatics Carbon Fraction Class C9-C22 with the appropriate concentration level.*

♥ - *The Endosulfan II specified here is the technical grade of the substance also known as beta-endosulfan.*

❖ - The concentration level for Endrin represents total Endrin consisting of endrin, endrin aldehyde, and endrin ketone.

▲ - The concentration level for Hexachlorocyclohexane represents total Hexachlorocyclohexane consisting of alpha, beta, delta, gamma, and epsilon isomers.

## II. Change the Biennial Review Requirement in 15A NCAC 2L .0202(f) to a Triennial Review Requirement :

The Groundwater Section proposes that the biennial review (two years) required under 15A NCAC 2L .0202(f) for substances listed under 15A NCAC 2L .0202(g) and interim maximum allowable concentrations be amended in this rulemaking to specify a triennial review (three years). These reviews are conducted to make sure proposed amendments and additions to the standards in 15A NCAC 2L .0202 are based on the most current health and toxicological information, to assist the Division in prioritizing rulemaking, and to make changes to 15A NCAC 2L .0202. It is proposed that the review period be extended to three years based on legislative revisions to the rulemaking process that were made in 1995.

In 1995 the North Carolina General Assembly adopted changes to the rulemaking process contained in North Carolina General Statute (NCGS) 150B. Among these revisions was a new requirement that rules undergo legislative review prior to becoming effective. Pursuant to the requirements of North Carolina General Statute 150B-21.3(b), a permanent rule becomes effective "... on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission (Rules Review Commission) approved the rule, .....". If a rule does not complete the rulemaking procedures up through approval by the Rules Review Commission (RRC), pursuant to NCGS 150B-21.11, on or before the 25<sup>th</sup> day from when the General Assembly convenes, that rule will not be presented to the General Assembly for final action during that session. The rule may be acted upon by the General Assembly at the following session during the next year, provided that the proposed rule has met these requirements by the date specified in NCGS 150B. If a rulemaking completes RRC review shortly after a legislative session has begun, NCGS 150B does not permit General Assembly review of the rule until the next session. This may result in significant delays in getting new Groundwater Quality Standards and changes to standards enacted.

If final action by the North Carolina General Assembly on changes to the standards in 15A NCAC 2L .0202 is delayed to the later session, the necessary rule changes may not go into effect before another biennial review of the Groundwater Quality Standards is required pursuant to 15A NCAC 2L .0202(f). If this biennial review reveals no new information, then there would be no additional need for rulemaking and the rules before the North Carolina General Assembly would most likely be approved. However, if this biennial review reveals the need to change the numeric concentrations again or add new standards while the Groundwater Quality Standards are under review by the North Carolina General Assembly, the General Assembly would be placed in the position of approving amendments and adoptions to Groundwater Quality Standards that are based on outdated health and toxicological information. Under NCGS 150B-21.3(b) the legislature may introduce bills and act on bills to approve or disapprove rules, however, they are not allowed to amend rules or numeric standards.

The current requirement for maintaining a biennial review of Groundwater Quality Standards in 15A NCAC 2L .0202 will likely result in continuous rulemaking under NCGS 150B while Groundwater Quality Standards. Continued reliance on biennial review of Groundwater Quality Standard will cause confusion on the cleanup levels responsible parties need to meet in order to comply with the requirements of rules and the concentration levels that are protective for drinking water supplies. Please note that a triennial review period is consistent with the manner that surface water standards are developed in the title 15A NCAC 2B rules.

**Reason for Proposed Action:** The amendment to 15A NCAC 2L .0202, Groundwater Quality Standards, will establish groundwater standards for are Alkane Carbon Fraction Class C5-C8, Alkane Carbon Fraction Class C9-C18, Alkane Carbon Fraction Class C19-C32, Aromatics Carbon Fraction Class C9-C32, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Benzo(a)pyrene, sec-Butylbenzene, tert-Butylbenzene, n-Butylbenzene, Chloromethane, 2-Chlorotoluene, Dibenz(a,h)anthracene, p,p'-Dichlorodiphenyl Dichloroethane (DDD), p,p'- Dichlorodiphenyltrichloroethane (DDT), Dieldrin, 2,4-Dimethylphenol (m-xylene), Disulfoton, Endosulfan II (beta-endosulfan), Endrin (Total Endrin: includes endrin, endrin aldehyde, and endrin ketone), Hexachlorocyclohexane (Total Hexachlorocyclohexane: includes alpha, beta, delta, gamma, and epsilon isomers), Indeno(1,2,3-cd)pyrene, Isophorone, Isopropylbenzene, 2-Methylnaphthalene, 3-Methylphenol (m-cresol), 4-Methylphenol (p-cresol), N-Nitrosodimethylamine, Petroleum Aliphatic Carbon Fraction Class C5-C8, Petroleum Aliphatic Carbon Fraction Class C9-C18, Petroleum Aliphatic Carbon Fraction Class C19-C36, Phorate, n-Propylbenzene, 2,3,4,6-Tetrachlorophenol, 1,2,3-Trichloropropane, 1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113), 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The proposed rule changes are being made to incorporate the most updated health information and concentration levels as Groundwater Quality Standards in 15A NCAC 2L .0202.

A change in 15A NCAC 2L .0202(f) to replace the present biennial review period (two years) to a triennial review (three years) will: allow adequate time for Groundwater Quality Standards to be updated; allow revisions to standards to be made effective by the legislature within time frames that are realistic with respect to the rulemaking requirements of NCGS 150B; and enable staff to better prioritize work requirements with respect to the development of standards.

**Comment Procedures:** All persons interested in this proposed amendment are encouraged to submit written comments or questions to David Hance, ENR-DEM: Groundwater Section, PO Box 29578, Raleigh, NC 27626-0578. Comments may also be



sent by fax transmission to Mr. Hance at (919) 715-0588 or via electronic mail to David.Hance@ncmail.net.

Coordinator.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

**CHAPTER 50 - BOARD OF EXAMINERS OF  
PLUMBING, HEATING AND FIRE  
SPRINKLER CONTRACTORS**

*Notice of Rule-making Proceedings* is hereby given by the State Board of Examiners, of Plumbing, Heating and Fire Sprinkler Contractors in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 21 NCAC 50 .0501, .1004, .1006. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 87-18; 87-21(a)(3)

**Statement of the Subject Matter:** Rules relative to clarification of Licensure requirements, minor repair exemptions and administrative hearing procedures.

**Reason for Proposed Action:** Grant of Recent Petitions for Rule-making has occasioned review of rules, which will likewise be the subject of comment at an upcoming public hearing.

**Comment Procedures:** Comment may be provided to the Board by mailing to the Board at 3801 Wake Forest Road, Suite 201, Raleigh, NC 27609, addressed to Rule-making

\*\*\*\*\*

**CHAPTER 68 - CERTIFICATION BOARD  
FOR SUBSTANCE ABUSE PROFESSIONALS**

*Notice of Rule-making Proceedings* is hereby given by the NC Substance Abuse Professional Certification Board in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 21 NCAC 68

**Authority for the rule-making:** G.S. 90, Article 5C

**Statement of the Subject Matter:** Rules governing the certification of Substance Abuse Professionals

**Reason for Proposed Action:** Legislation enacted by the 1999 Session of the General Assembly amends Article 5C of Chapter 90 which regulates the certification of Substance Abuse Professionals. The Board will revise rules on hearing procedures and make further revisions of definitions, rules regarding substantive certification matters, and other clarifications of the current law and those prescribed by the new legislation.

**Comment Procedures:** Written comments should be directed to Jim Scarborough, Board Administrator, PO Box 1026, Raleigh, NC 27605.

*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

## TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the DHHS - Division of Medical Assistance intends to amend rules cited as 10 NCAC 50B .0102, .0313. Notice of Rule-making Proceedings was published in the Register on March 15, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 1:30 pm on December 16, 1999 at the Kirby Building, Room 132, 1985 Kirby Drive, Raleigh, NC.

**Reason for Proposed Action:** 10 NCAC 50B .0102 - Designates groups of individuals below the poverty level who shall be eligible for Medicaid.

10 NCAC 50B .0313 - Designates the income level for categorically needy.

**Comment Procedures:** Written comments concerning this rule-making action must be submitted by January 14, 1999, to Portia Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, 2504 Mail Service Center, Raleigh, NC 27699-2504.

### Fiscal Impact

State	Local	Sub.	None
✓	✓	✓	

## CHAPTER 50 - MEDICAL ASSISTANCE

### SUBCHAPTER 50B - ELIGIBILITY DETERMINATION

#### SECTION .0100 - COVERAGE GROUPS

##### .0102 OPTIONAL

The following optional groups of individuals described by 42 U.S.C. 1396a(a)(10)(A)(ii) and 42 U.S.C. 1396a(a)(10)(C) shall be eligible for Medicaid:

- (1) Children:
  - (a) Children under age one whose family income is more than the amount established under Item (14), Rule .0101 of this Section and not more than a percent of the federal poverty level established by the General Assembly;
  - (b) Children under age 21 who meet the

eligibility requirements of this Subchapter:

- (c) Qualified children under age 19 as described in Item (4), Rule .0101 of this Section, who were born on or before September 30, 1983, and whose income is not more than 100% of the federal poverty level;
- (d) Adopted children under age 18 with special needs, as described at 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII).
- (2) Individuals receiving optional state supplemental payment.
- (3) Caretaker relatives of eligible dependent children.
- (4) Pregnant women:
  - (a) Whose countable income is more than the amount established under Item (13), Rule .0101 of this Section and not more than a percent of the federal poverty level established by the General Assembly, or
  - (b) Who, if their countable income exceeds the percent of the federal poverty level, established in Sub-item (4)(a) of this Rule, meet the eligibility criteria for medically needy set forth in this Subchapter.
- (5) Aged, blind and disabled individuals whose income is at or below 100% of the Federal Poverty Level, adjusted each April 1, and who meet the income and resource requirements of SS1, but who do not receive cash assistance.

Authority G.S. 108A-54; 42 U.S.C. 1396(a)(10)(A)(ii); 42 U.S.C. 1396a(a)(10)(C); 42 C.F.R. 435.210; 42 C.F.R. 435.222; 42 C.F.R. 435.230; 42 C.F.R. 435.301; 42 C.F.R. 435.308; 42 C.F.R. 435.322; 42 C.F.R. 435.330; S.L. 1983, c. 1034, s. 62.2; S.L. 1987, c. 738, s. 69 and 70; S.L. 1989, c. 752, s. 133.

#### SECTION .0300 - CONDITIONS FOR ELIGIBILITY

##### .0313 INCOME

(a) For family and children's cases, income from the following sources shall be counted in the calculation of financial eligibility:

- (1) Unearned.
  - (A) RSDI,
  - (B) Veteran's Administration,
  - (C) Railroad Retirement,
  - (D) Pensions or retirement benefits,
  - (E) Workmen's Compensation,
  - (F) Unemployment Compensation,
  - (G) Support Payments,



- (H) Contributions.
  - (I) Dividends or interest from stocks, bonds, and other investments.
  - (J) Trust fund income.
  - (K) Private disability or employment compensation.
  - (L) That portion of educational loans, grants, and scholarships for maintenance.
  - (M) Work release.
  - (N) Lump sum payments.
  - (O) Military allotments.
  - (P) Brown Lung Benefits.
  - (Q) Black Lung Benefits.
  - (R) Trade Adjustment benefits.
  - (S) SSI when the client is in long term care.
  - (T) VA Aid and Attendance when the client is in long term care.
  - (U) Foster Care Board payments in excess of state maximum rates for M-AF clients who serve as foster parents.
  - (V) Income allocated from an institutionalized spouse to the client who is the community spouse as stated in 42 U.S.C. 1396r-5(d).
  - (W) Income allowed from an institutionalized spouse to the client who is a dependent family member as stated in 42 U.S.C. 1396r-5(d).
  - (X) Sheltered Workshop Income.
  - (Y) Loans if repayment of a loan and not counted in reserve.
  - (Z) Income deemed to Family and Children's clients.
- (2) Earned Income.
- (A) Income from wages, salaries, and commissions.
  - (B) Farm Income.
  - (C) Small business income including self-employment.
  - (D) Rental income.
  - (E) Income from roomers and boarders.
  - (F) Earned income of a child client who is a part-time student and a full-time employee.
  - (G) Supplemental payments in excess of state maximum rates for Foster Care Board payments paid by the county to Family and Children's clients who serve as foster parents.
  - (H) VA Aid and Attendance paid to a budget unit member who provides the aid and attendance.
- (3) Additional sources of income not listed in Subparagraphs (a)(1) or (2) of this Rule will be considered available unless specifically excluded by Paragraph (b) of this Rule, or by regulation or statute.
- (b) For family and children's cases, income from the following sources shall not be counted in the calculation of financial eligibility:
- (1) Earned income of a child who is a part-time student but is not a full-time employee;
  - (2) Earned income of a child who is a full-time student;
  - (3) Incentive payments and training allowances made to WIN training participants;
  - (4) Payments for supportive services or reimbursement of out-of-pocket expenses made to volunteers serving as VISTA volunteers, foster grandparents, senior health aides, senior companions, Service Corps of Retired Executives, Active Corps of Executives, Retired Senior Volunteer Programs, Action Cooperative Volunteer Program, University Year for Action Program, and other programs under Titles I, II, and III of Public Law 93-113;
  - (5) Foster Care Board payments equal to or below the state maximum rates for Family and Children's clients who serve as foster parents;
  - (6) Income that is unpredictable, i.e., unplanned and arising only from time to time. Examples include occasional yard work and sporadic babysitting;
  - (7) Relocation payments;
  - (8) Value of the coupon allotment under the Food Stamp Program;
  - (9) Food (vegetables, dairy products, and meat) grown by or given to a member of the household. The amount received from the sale of home grown produce is earned income;
  - (10) Benefits received from the Nutrition Program for the Elderly;
  - (11) Food Assistance under the Child Nutrition Act and National School Lunch Act;
  - (12) Assistance provided in cash or in kind under any governmental, civic, or charitable organization whose purpose is to provide social services or vocational rehabilitation. This includes V.R. incentive payments for training, education and allowance for dependents, grants for tuition, chore services under Title XX of the Social Security Act, VA aid and attendance or aid to the home bound if the individual is in a private living arrangement;
  - (13) Loans or grants such as the GI Bill, civic, honorary and fraternal club scholarships, loans, or scholarships granted from private donations to the college, etc., except for any portion used or designated for maintenance;
  - (14) Loans, grants, or scholarships to undergraduates for educational purposes made or insured under any program administered by the U.S. Department of Education;
  - (15) Benefits received under Title VII of the Older Americans Act of 1965;
  - (16) Payments received under the Experimental Housing Allowance Program (EHAP);
  - (17) In-kind shelter and utility contributions paid directly to the supplier. For Family and Children's cases, shelter, utilities, or household furnishings made

- available to the client at no cost;
- (18) Food/clothing contributions in Family and Children's cases (except for food allowance for persons temporarily absent in medical facilities up to 12 months);
- (19) Income of a child under 21 in the budget unit who is participating in JTPA and is receiving as a child;
- (20) Housing Improvement Grants approved by the N.C. Commission of Indian Affairs or funds distributed per capital or held in trust for Indian tribe members under P.L. 92-254, P.L. 93-134 or P.L. 94-540;
- (21) Payments to Indian tribe members as permitted under P.L. 94-114;
- (22) Payments made by Medicare to a home renal dialysis patient as medical benefits;
- (23) SSI except for individuals in long term care;
- (24) HUD Section 8 benefits when paid directly to the supplier or jointly to the supplier and client;
- (25) Benefits received by a client who is a representative payee for another individual who is incompetent or incapable of handling his affairs. Such benefits must be accounted for separate from the payee's own income and resources;
- (26) Special one time payments such as energy, weatherization assistance, or disaster assistance that is not designated as medical;
- (27) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- (28) Payments under the Alaska Native Claims Settlement Act, Public Law 92-203;
- (29) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- (30) HUD Community Development Block Grant funds received to finance the renovation of a privately owned residence;
- (31) Reimbursement for transportation expenses incurred as a result of participation in the Community Work Experience Program or for use of client's own vehicle to obtain medical care or treatment;
- (32) Adoption assistance;
- (33) Incentive payments made to a client participating in a vocational rehabilitation program;
- (34) Title XX funds received to pay for services rendered by another individual or agency;
- (35) Any amount received as a refund of taxes paid;
- (36) The first fifty-dollars (\$50) of each child support/spousal obligation or military allotment paid monthly to the budget unit in a private living arrangement.

(c) For aged, blind, and disabled cases, income counted in the determination of financial eligibility is based on standards and methodologies in Title XVI of the Social Security Act.

(d) For aged, blind, and disabled cases, income from the following sources shall not be counted:

- (1) Any Cost of Living Allowance (COLA) increase or receipt of RSDI benefit which resulted in the loss of

SSI for those individuals described in Item (17) of Rule .0101 of this Subchapter.

- (2) Earnings for those individuals who have a plan for achieving self-support (PASS) that is approved by the Social Security Administration.

(e) Income levels for purposes of establishing eligibility are those amounts approved by the N.C. General Assembly and stated in the Appropriations Act for categorically needy and medically needy classifications, except for the following:

- (1) The income level shall be reduced by one-third when an aged, blind or disabled individual lives in the household of another person and does not pay his proportionate share of household expenses. The one-third reduction shall not apply to children under nineteen years of age who live in the home of their parents;
- (2) An individual living in a long term care facility or other medical institution shall be allowed as income level a deduction for personal needs described under Rule .0314 (Personal Needs Allowance) of this Subchapter;
- (3) The categorically needy income level for an aged, blind, and disabled individual or couple is the ~~SSI individual or couple amount. This is the current Federal Benefit Rate (FBR). 100% of the Federal Poverty Level;~~
- (4) The income level to be applied for Qualified Medicare Beneficiaries described in 42 U.S.C. 1396d and individuals described in 42 U.S.C. 1396e is based on the income level for one; or two for a married couple who live together and both receive Medicare.

*Authority G.S. 108A-25(b); 108A-61; 42 C.F.R. 435.135; 42 C.F.R. 435.731; 42 C.F.R. 435.732; 42 C.F.R. 435.733; 42 C.F.R. 435.811; 42 C.F.R. 435.812; 42 C.F.R. 435.831; 42 C.F.R. 435.832; 42 C.F.R. 435.1007; 42 U.S.C. 1383c(b); 42 U.S.C. 1383c(d); 45 C.F.R. 233.20; P.L. 99-272.*

## TITLE 11 - DEPARTMENT OF INSURANCE

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to repeal the rules cited as 11 NCAC 6B .0201-.0205, .0301-.0304, .0401-.0405. Notice of Rule-making Proceedings was published in the Register on November 3, 1997.

**Proposed Effective Date:** July 1, 2000

**Instructions on How to Demand a Public Hearing** (must be requested in writing within 15 days of notice): Make a request in writing to Ellen K. Sprenkel, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611.

**Reason for Proposed Action:** The statutes under which these



rules were adopted have been repealed.

**Comment Procedures:** Written comments may be sent to Ellen K. Sprenkel, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611. Written comments must be received by the Department on or before December 15, 1999.

**Fiscal Impact**

State	Local	Sub. None
		✓

**CHAPTER 6 - AGENT SERVICES DIVISION**

**SUBCHAPTER 6B - THIRD PARTY ADMINISTRATOR**

**SECTION .0200 - REGISTRATION**

**.0201 CONTENTS OF FULL APPLICATION**

All applications for an administrator certificate of registration must include:

- (1) an application for administrator's registration (TPA-1-87) signed by an officer, if a corporation, or every partner, if a partnership, or the owner and operating manager, if a sole proprietorship;
- (2) biographical form(s) (TPA-2-87) (Rev. 6/89) completed by every officer, partner, or owner and operating manager as indicated; forms may be duplicated to meet needs;
- (3) copies of each type of service contract utilized for benefit plans administered covering North Carolina residents;
- (4) financial statements must include a balance sheet, a statement of income and a statement of cash flows for the administrator's most recent full fiscal year. Financial statements must be presented in the form of an audit, a review, or a compilation prepared by an independent certified public accountant. Financial statements of an administrator's parent company are acceptable if such present consolidating schedules for the administrator, and if the certified public accountant's opinion letter does not disclaim association with the consolidating schedules;
- (5) a surety bond in an amount of one hundred thousand dollars (\$100,000) or more issued in the name of the administrator written by a company licensed to do business in North Carolina. The surety bond is conditioned upon the performance by administrators of their obligation to insurers, self-funders and participants under their service contracts, and their compliance with the requirement of Article 41 of Chapter 58 of the General Statutes of North Carolina as well as any applicable rules. A copy of the surety bond form is enclosed with the application and renewal package;

- (6) all basic organizational documents of the third party administrator, such as the articles of incorporation, bylaws, partnership agreements and all other similar documents and all amendments to those documents;
- (7) a narrative description specifying administrator's services performed in North Carolina;
- (8) a power of attorney duly executed by the administrator, if not domiciled in North Carolina, appointing the Commissioner of Insurance, and the Commissioner's duly authorized deputies as attorneys for the administrator in and for this state; upon whom process in any legal action or proceeding against the administrator on a cause of action arising in this state may be served; (form enclosed in application and renewal package);
- (9) a company check or money order in the amount of twenty dollars (\$20.00), registration fee, payable to the North Carolina Department of Insurance; and
- (10) such other information as the department may reasonably require.

Authority G.S. 58-9; 58-525; 58-527; 58-529; 58-532; 58-536.

**.0202 MODIFICATION OF APPLICATION**

Within 30 days following a significant modification of any of the information submitted with an application for a certificate of registration, the administrator shall file a notice of the modification(s) with the Agent Services Division.

Authority G.S. 58-9; 58-525; 58-527; 58-529; 58-532; 58-536.

**.0203 DURATION OF INITIAL CERTIFICATE OF REGISTRATION**

The initial certificate of registration will authorize the administrator to operate in North Carolina from the date of issue until August 31 next following the date of issue. The fee of twenty dollars (\$20.00) will not be pro-rated.

Authority G.S. 58-536; 59-9.

**.0204 APPLICATION FOR RENEWAL OF A CERTIFICATE OF REGISTRATION**

All applications for renewal of a certificate of registration must include:

- (1) application for administrator's renewal registration (RTPA-1-88);
- (2) all changes to the information contained in biographical form(s) (TPA-2-87) (Rev. 6/89);
- (3) all changes or additions to ownership, organizational structure or location of the administrator;
- (4) all changes or additions to the service contracts entered into by the administrator;
- (5) financial statements must include a balance sheet, statement of income and a statement of cash flows for the administrator's most recent full fiscal year. Financial statements must be presented in the form



of an audit, a review, or a compilation prepared by an independent certified public accountant. Financial statements of an administrator's parent company are acceptable if such present consolidating schedules for the administrator, and if the certified public accountant's opinion letter does not disclaim association with the consolidating schedules;

- (6) a surety bond in an amount of one hundred thousand dollars (\$100,000) or more issued in the name of the administrator written by a company duly licensed to do business in North Carolina. The surety bond is conditioned upon the performance by administrators of their obligation to insurers, self-funders and participants under their service contracts, and their compliance with the requirement of Article 41 of Chapter 58 of the General Statutes of North Carolina as well as any applicable rules. A copy of the surety bond form is enclosed with the application and renewal package; and
- (7) a company check or money order in the amount of twenty dollars (\$20.00), renewal registration fee, payable to the North Carolina Department of Insurance.

Authority G.S. 58-9; 58-525; 58-527; 58-529; 58-532; 58-536.

#### **.0205 RENEWAL CERTIFICATE OF REGISTRATION**

The renewal date for all certificates of registration will be September 1. Renewal packages will be sent to registered administrators on July 1 and should be returned to the Department of Insurance, Agent Services Division, Registrar, P.O. Box 26387, Raleigh, N.C. 27611, no later than August 10.

Authority G.S. 58-9; 58-536.

### **SECTION .0300 - FINANCIAL REQUIREMENTS**

#### **.0301 FINANCIAL STATEMENTS**

All applicants for a certificate of registration must file financial statements with their initial and renewal applications. Financial statements must include a balance sheet, a statement of income and a statement of cash flows for the administrator's most recent full fiscal year. Financial statements must be presented in the form of an audit, a review, or a compilation prepared by an independent certified public accountant. Financial statements of an administrator's parent company are acceptable if such present consolidating schedules for the administrator, and if the certified public accountant's opinion letter does not disclaim association with the consolidating schedules.

Authority G.S. 58-9; 58-536; Eff. November 1, 1988.

#### **.0302 DETERMINATION OF FINANCIAL RESPONSIBILITY**

In determining the financial responsibility of an applicant for a certificate of registration, the department requires that an applicant be solvent. In addition, the department will consider, among other things:

- (1) liquidity; and
- (2) any internal controls the applicant may have in place to afford protection for benefit plans, which may include, but are not limited to, the manner in which benefit plan fund accounts are established.

Authority G.S. 58-9; 58-532; 58-536.

#### **.0303 FINANCIAL INFORMATION PUBLIC RECORDS**

All financial information filed in support of an application for initial issuance or renewal of a certificate of registration will be subject to the public records law of North Carolina. Such information will not be released by the department until registration is accomplished and a certificate issued. In the event that the application is withdrawn from consideration by the applicant, then it will not be deemed public information.

Authority G.S. 58-9; 58-11; 132-6.

#### **.0304 SURETY BOND ISSUED BY LICENSED COMPANY**

The surety bond required by G.S. 58-536(b) must be issued by an insurance company licensed to do business in North Carolina. The surety bond is conditioned upon the performance by administrators of their obligation to insurers, self-funders and participants under their service contracts, and their compliance with the requirement of Article 41 of Chapter 58 of the General Statutes of North Carolina as well as any applicable rules.

Authority G.S. 58-9; 58-15; 58-29; 58-536.

### **SECTION .0400 - GENERAL PROVISIONS**

#### **.0401 SERVICE CONTRACTS WITH INSURANCE COMPANIES**

All service contracts with insurance companies must be with insurers licensed to operate in North Carolina.

Authority G.S. 58-9; 58-15; 58-527.

#### **.0402 ADJUSTING CLAIMS BY ADMINISTRATORS**

No adjuster's license will be required of persons acting for administrators in adjusting claims for life, accident and health and annuity claims or self-funded health benefit plans.

Authority G.S. 58-9; 58-529; 58-533; 58-611(b).

**.0403 VIOLATIONS: PENALTIES**

The department shall follow the provisions of G.S. 58-9.7 for the imposition of civil penalties against any administrator that does not obtain a certificate of registration prior to beginning its operations in this state in accordance with Chapter 58, Article 41 of the North Carolina General Statutes.

Authority G.S. 58-9; 58-9.7; 58-536.

**.0404 DEFINITIONS**

(a) "Related party" means principal owner of the insurance company; members of the insurance company's management; members of the immediate families of the principal owners of the insurance company and its management; members of a party with which the insurance company may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests; members of a party that can significantly influence the management or operating policies of any transacting parties; members with an ownership interest in one of the transacting parties and who can significantly influence the other party so that one or more of the transacting parties may be prevented from fully pursuing its own separate interests; individuals legally or beneficially owning any outstanding voting stock.

(b) "Surety bond" means coverage for the subscribers of a self-funded or fully-insured plan issued by a company licensed to do business in this State.

Authority G.S. 58-9; 58-530; 58-536.

**.0405 PAYMENT OF CLAIMS**

(a) Evidence of competency of an administrator shall include, but will not be limited to, processing and payment of claims in a timely manner.

(b) If claims filed with an administrator or insurer have not been paid within 30 days after receipt of the initial claim by the administrator or the insurer, the administrator or the insurer shall at that time mail a claim status report to the claimant.

Authority G.S. 58-9; 58-530.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the DENR - Environmental Management Commission intends to adopt the rules cited as 15A NCAC 2S .0101-.0102, .0201-.0202. Notice of Rule-making Proceedings was published in the Register on August 16, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 7:00 p.m. on

November 30, 1999 at the Archdale Building, Groundfloor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** The Dry-Cleaning Solvent Cleanup Act (Act) of 1997 (G.S. 143-215.104A et seq.) created the Dry-Cleaning Solvent Cleanup Fund Program (Program) and directed the Environmental Management Commission (EMC) to engage in rulemaking necessary to administer the Program. The Act was sponsored by the dry-cleaning industry through a lobbying effort by the North Carolina Association of Launderers and Cleaners, a trade association. Traditional solvent handling procedures practiced by the industry have proven to be inadequate to prevent solvent releases to the environment. As a result, groundwater has been contaminated at a considerable but unknown percentage of these facilities. The proposed rules govern safe solvent-handling procedures (Minimum Management Practices) for dry-cleaning facilities and wholesale distributors of dry-cleaning solvent. The proposed rules set forth dry-cleaning solvent handling practices that will minimize the risk of future releases of solvent to the environment. Therefore, these rules may be considered pollution prevention requirements.

**Comment Procedures:** The purpose of this announcement is to encourage those interested in this proposal to provide comments. You may attend the public hearing and make verbal comments or submit written comments by December 15, 1999. The Hearing Officer may limit the length of time that you may speak at the public hearing if necessary, so that all who wish to speak may have the opportunity to do so. The EMC is interested in all comments pertaining to the proposal. Comments should be mailed to: Lisa Taber, NC Division of Waste Management, 401 Oberlin Road, Suite 150, Raleigh, NC 27605-1350.

**Fiscal Impact**

State	Local	Sub.	None
			✓

**CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

**SUBCHAPTER 2S - RULES AND CRITERIA FOR THE  
ADMINISTRATION OF THE  
DRY-CLEANING SOLVENT CLEANUP FUND**

**SECTION .0100 - GENERAL CONSIDERATIONS AND  
DEFINITIONS**

**.0101 AUTHORIZATION**

(a) G.S. 143-215.104D authorizes and directs the Commission to develop and adopt rules as are necessary in the administration of the Dry-Cleaning Solvent Cleanup Fund. These Rules:

- (1) Establish minimum management practices for the handling of dry-cleaning solvent at dry-cleaning facilities and wholesale distribution facilities.



- (2) Establish a risk-based approach applicable to the assessment, prioritization, and remediation of dry-cleaning solvent contamination resulting from releases at certified facilities or certified abandoned sites.
- (3) Establish the terms and conditions of dry-cleaning solvent Assessment Agreements and Remediation Agreements.
- (4) Determine whether assessment or remediation is necessary at certified dry-cleaning facilities, certified wholesale distribution facilities, or certified abandoned dry-cleaning facility sites.
- (5) Prioritize certified dry-cleaning facilities, certified wholesale distribution facilities, or certified abandoned dry-cleaning facility sites for the reimbursement from the Fund of assessment or remediation activities.
- (6) Establish strategies for the assessment and remediation of dry-cleaning solvent contamination.
- (7) Schedule funding of assessment and remediation activities.
- (8) Determine that all necessary assessment and remediation have been completed at a contamination site.

(b) All rules adopted by the Commission shall be consistent with G.S. 143-215.104A et seq., the Dry-Cleaning Solvent Cleanup Act of 1997 and rules adopted by the Commission for Health Services pursuant to G.S. 130A, Article 9.

Authority G.S. 150B-21.2; 143-215.104D(b).

## **.0102 DEFINITIONS**

The definition of any word or phrase used in these Rules shall be the same as given in G.S. 143-215.104B except that the following words and phrases shall have the following meanings:

- (1) "Number of full time employees" is equivalent to the total hours worked by all persons employed by a company or corporation in the previous year divided by 40 hours per week.
- (2) "Impervious" means a material that is specifically manufactured for the containment of dry-cleaning solvent.
- (3) "Spill containment" means a structure constructed of steel with welded seams or a product specifically manufactured to prevent the release of dry-cleaning solvent.

Authority G.S. 150B-21.2; 143-215.104D(b).

## **SECTION .0200 - MINIMUM MANAGEMENT PRACTICES**

### **.0201 APPLICABILITY**

The provisions contained in this Subchapter set forth the minimum management practices for the storage and handling of dry-cleaning solvents required to be implemented at all dry-

cleaning facilities and dry-cleaning solvent wholesale distribution facilities in order for those facilities to be eligible for certification into the Dry-Cleaning Solvent Cleanup Program. These Rules are applicable only to owners and operators of dry-cleaning facilities or dry-cleaning solvent wholesale distribution facilities.

Authority G.S. 150B-21.2; 143-215.104D(b).

### **.0202 REQUIRED MINIMUM MANAGEMENT PRACTICES**

(a) Any abandoned site, as defined by G.S.143-215.104(B)(b)(1), wishing to enter into the Dry-Cleaning Solvent Cleanup Program shall demonstrate, at all times after this Rule becomes effective, compliance with Minimum Management Practice Subparagraph (b)(5) of this Rule.

(b) All currently operating dry-cleaning, or wholesale distribution facilities wishing to enter into the Dry-Cleaning Solvent Cleanup Program shall demonstrate, at all times after this Rule becomes effective, compliance with the following minimum management practices:

- (1) At no time shall any dry-cleaning solvent, wastes containing dry-cleaning solvent, or water containing dry-cleaning solvent be discharged onto land or into waters of the State, sanitary sewers, storm drains, floor drains, septic systems, boilers, or cooling-towers. All receipts generated as a result of disposal of all dry-cleaning solvent waste shall be made available for review by the Program, including but not limited to, costs associated with equipment used to dispose of any hazardous waste, such as evaporators or atomizers, and any service contracts for disposal of solvent wastes.
- (2) Spill containment shall be constructed in areas around dry-cleaning machines, filters, stills, vapor adsorbers, solvent storage areas, and waste solvent storage areas by January 1, 2002. The spill containment shall be constructed of or sealed with materials that are impervious to the applicable dry-cleaning solvent with a capacity of 110 percent of the largest vessel, tank, or container within the spill containment area. All floor drains within the containment shall be removed or permanently sealed with materials impervious to dry-cleaning solvents. Emergency adsorbent spill clean-up materials shall be on the premises. Facilities must maintain an emergency response plan that is in compliance with federal, state and local requirements.
- (3) All perchloroethylene dry-cleaning machines installed at a dry-cleaning facility after the effective date of this Rule shall meet air emissions that are equal to or less than the emissions from a dry-to-dry perchloroethylene dry-cleaning machine with an integrated refrigerated condenser. Perchloroethylene dry-cleaning facilities must be in compliance with the EPA Perchloroethylene Dry Cleaner NESHAP: 40 CFR, Subpart M to be

eligible for the Program.

- (4) Facilities that use perchloroethylene shall use a closed container solvent transfer system by January 1, 2002.
- (5) Within six months of the effective date of this Rule no dry-cleaning facility shall use underground storage tanks for solvents or waste storage. Within one year of the effective date of the rule, all underground solvent and waste tanks and associated underground pipes shall be removed in accordance with the North Carolina Underground Storage Tank (UST) Regulations.

Authority G.S. 150B-21.2; 143-215.104D(b).

\*\*\*\*\*

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the DENR - Commission for Health Services intends to amend the rules cited as 15A NCAC 13A .0101-.0104, .0106, .0108, .0110, .0112-.0113, .0118. Notice of Rule-making Proceedings was published in the Register on August 16, 1999 and September 1, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 a.m. on December 1, 1999 at the Archdale Building, Groundfloor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:**

**15A NCAC 13A .0101** - To properly identify the Department; to properly identify definitions that are exempt in certain rules; and to eliminate the Annual Report requirements as required by Section 27.10 of House Bill 53 of the Second Extra Session of the 1996 North Carolina Legislature.

**15A NCAC 13A .0102** - All revisions are of technical nature.

**15A NCAC 13A .0103** - Has been revised to accurately reflect the procedure that must be followed to Petition for Modification or Revocation of rules.

**15A NCAC 13A .0104** - Changes to .0104(a)(1) are to accurately reflect those Federal Regulations that are included in Subpart A. .0104(a)(2) has been revised to correct the address of the Division of Waste Management; .0104(a)(2) has been deleted. The definitions that were in this Subparagraph are included elsewhere in this Section or are no longer required. .0104(b) has been revised to properly exclude those Federal Regulations that North Carolina is not adopting.

**15A NCAC 13A .0106** - This Paragraph has been expanded to include new EPA requirements. These requirements provide an exemption from hazardous waste regulations for certain comparable/syngas fuels.

**15A NCAC 13A .0108** - The revisions to this rule do two things: Sets a time frame in which a non-resolved manifest discrepancy must be reported to the Department; and clearly

defines what is considered a manifest discrepancy.

**15A NCAC 13A .0110** - Adds 40 CFR 265.121 "Post-closure requirements for facilities that obtain enforceable documents in lieu of post-closure permits" to (Subpart G), "Closure and Post Closure." New provisions allow facilities flexibility during interim-status post-closure clean-ups.

**15A NCAC 13A .0112** - The proposed amendment will add 40 CFR 268.49 to (Subpart D), "Treatment Standards", to provide alternative land disposal treatment standards for contaminated soil.

**15A NCAC 13A .0113** - These are technical corrections.

**15A NCAC 13A .0118** - These are technical corrections.

**Comment Procedures:** Written comments will be accepted through December 15, 1999 and should be mailed to Harold McCarty, NC Hazardous Waste Section, 401 Oberlin Road, Suite 150, Raleigh, NC 27605-1350, telephone (919) 733-2178, ext 247.

**Fiscal Impact**

State	Local	Sub.	None
✓			15A NCAC 13A .0101
			✓ 15A NCAC 13A .0102-.0104, .0106
			✓ 15A NCAC 13A .0108, .0110,
			✓ 15A NCAC 13A .0112-.0113, .0118

**CHAPTER 13 - SOLD WASTE MANAGEMENT**

**SUBCHAPTER 13A - HAZARDOUS WASTE MANAGEMENT**

**SECTION .0100 - HAZARDOUS WASTE**

**.0101 GENERAL**

(a) The Hazardous Waste Section of the Division of Waste Management shall administer the hazardous waste management program for the State of North Carolina.

(b) In applying the federal requirements incorporated by reference throughout this Subchapter, the following substitutions or exceptions shall apply:

- (1) "Department of ~~Environment, Health, Environment~~ and Natural Resources" shall be substituted for "Environmental Protection Agency" except in 40 CFR 262.51 through 262.54, 262.56, ~~262.57~~ 262.57, and Part 124 where references to the Environmental Protection Agency shall remain without substitution;
- (2) "Secretary of the Department of ~~Environment, Health, Environment~~ and Natural Resources" shall be substituted for "Administrator," "~~Regional Administrator~~" "Regional Administrator," "Assistant Administrator" and "Director" except for 40 CFR 262.55 through 262.57, 264.12(a), 268.5, 268.6, ~~268.42(b)~~ 268.42(b), and ~~268.44~~ 268.44, and Part 124 where the references to the Administrator, Regional Administrator, "~~Assistant Administrator~~" and Director shall remain without substitution; and



substitution.

- (3) An ~~"annual report"~~ shall be required for all hazardous waste generators, treaters, storers, and disposers rather than a ~~"biennial report"~~.

(c) In the event that there are inconsistencies or duplications in the requirements of those Federal rules incorporated by reference throughout this Subchapter and the State rules set out in this Subchapter, the provisions incorporated by reference shall prevail except where the State rules are more stringent.

(d) 40 CFR 260.1 through 260.3 (Subpart A), "General," are incorporated by reference including subsequent amendments and editions.

(e) 40 CFR 260.11, "References," is incorporated by reference including subsequent amendments and editions.

(f) Copies of all materials in this Subchapter may be inspected or obtained as follows:

- (1) Persons interested in receiving rule-making notices concerning the North Carolina Hazardous Waste Management Rules must submit a written request to the Hazardous Waste Section, PO Box 29603, Raleigh, N.C. 27611-9603. A check in the amount of fifteen dollars (\$15.00) made payable to The Hazardous Waste Section must be enclosed with each request. Upon receipt of each request, individuals will be placed on a mailing list to receive notices for one year.
- (2) Material incorporated by reference in the Federal Register may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at a cost of five hundred and forty four dollars (\$544.00) per year. Federal Register materials are codified once a year in the Code of Federal Regulations and may be obtained at the above address for a cost of: 40 CFR 1-51 forty dollars (\$40.00), 40 CFR 260-299 forty dollars (\$40.00) and 40 CFR 87-149, forty one dollars (\$41.00), total one hundred twenty one dollars (\$121.00).
- (3) The North Carolina Hazardous Waste Management Rules, including the incorporated by reference materials, may be obtained from the Hazardous Waste Section at a cost of twenty five dollars (\$25.00).
- (4) All material is available for inspection at the Department of Environment, Health, Environment and Natural Resources, Hazardous Waste Section, 401 Oberlin Road, Raleigh, NC.

Authority G.S. 130A-294(c); 150B-21.6.

## .0102 DEFINITIONS

(a) The definitions contained in G.S. 130A-290 apply to this Subchapter.

(b) 40 CFR 260.10 (Subpart B), Definitions, is has been incorporated by reference, including subsequent amendments and editions except that the Definitions for "Disposal",

"Landfill", "Management or hazardous waste management", "Person", "Sludge", "Storage", and "Treatment" are defined by G.S. 130A-290 and are not incorporated by reference.

(c) The following additional definitions shall apply throughout this Subchapter:

- (1) "Section" means the Hazardous Waste Section, in the Division of ~~Solid Waste Management~~, Department of ~~Environment, Health, Environment~~ and Natural Resources.
- (2) The "Department" means the ~~N.C.~~ Department of ~~Environment, Health, Environment~~ and Natural Resources (~~DEHNR~~) (DENR).
- (3) "Division" means the Division of Waste Management ~~Solid Waste Management Division (DWM)~~ (SWMD).
- (4) "Long Term Storage" means the containment of hazardous waste for an indefinite period of time in a facility designed to be closed with the hazardous waste in place.
- (5) "Off-site Recycling Facility" means any facility that receives shipments of hazardous waste from off-site to be recycled or processed for recycling through any process conducted at the facility, but does not include any facility owned or operated by a generator of hazardous waste solely to recycle their own waste.

Authority G.S. 130A-294(c); 150B-21.6.

## .0103 PETITIONS - PART 260

(a) All rulemaking petitions for changes in this Subchapter shall be made in accordance with 15A NCAC 24B .0001.

(b) In applying the federal requirements incorporated by reference in this Rule, "15A NCAC 24B .0101" shall be substituted for references to 40 CFR 260.20.

(c) (b) 40 CFR 260.21 through 260.41 (Subpart C), "Rulemaking Petitions," are have been incorporated by reference including subsequent amendments and editions.

Authority G.S. 130A-294(c); 150B-21.6.

## .0104 PUBLIC INFORMATION - PART 2

(a) The provisions concerning requests for information in 40 CFR 2.100 to 2.120 ~~2.120~~ (Subpart A) have been incorporated by reference including subsequent amendments and editions, except that 40 CFR 2.100 (a) is not incorporated by reference.

(a) The provisions concerning requests for information in 40 CFR 2.100 to 2.121 (Subpart A) are incorporated by reference including subsequent amendments and editions, except that 40 CFR 2.106(b), 2.112(f), and 2.120 are not incorporated by reference.

(b) The following address for the Freedom of Information Officer is substituted for the address "A-101, 401 M Street, SW, Washington, DC 20460" in 40 CFR 2.106(a) and 2.213(a): "Division of Waste Management, P.O. Box 29603, Raleigh, NC 27611-9603."

(1) The following shall be substituted for the provisions of 40 CFR 2.100 (a) which are not incorporated by reference:

(2) Definitions:

(A) "EPA" means the United States Environmental Protection Agency.

(B) "Department of Environment, Health, and Natural Resources" shall be substituted for "Environmental Protection Agency" and "Hazardous Waste Section Chief in the Solid Waste Management Division of the Department of Environment, Health, and Natural Resources" shall be substituted for "Administrator", "Regional Administrator" and "Director", except in those situations where authority has not been delegated to the State of N.C. or unless the context requires a different meaning.

(C) "Section" means the N.C. Hazardous Waste Section, in the Division of Solid Waste Management, Department of Environment, Health, and Natural Resources.

(D) "Section Officer" means the person designated by the Section Chief to this activity:

(E) "Section Attorney" means the person designated by the Section Chief to do this activity:

(F) Section Officer shall be substituted for the freedom of information officer.

(G) "N.C. Hazardous Waste Section Public Affairs Director" shall be substituted for the EPA Director of the Office of Public Affairs.

(H) "N.C. Hazardous Waste Section Office" shall be substituted for Regional EPA Office or EPA Branch Office:

(I) "Department" means N.C. Department of Environment, Health, and Natural Resources.

(J) "Section Employee" shall be substituted for EPA Employee.

(K) "Section Legal Office" shall be the Section Attorney.

(b) (c) The provisions concerning confidentiality of business information in 40 CFR 2.201 to 2.311 ~~2.309~~ (Subpart B) are have been incorporated by reference including subsequent amendments and editions, except that 40 CFR 2.209 (b) and (c), 2.301, 2.302, 2.303, 2.304, 2.306, 2.307, 2.308, 2.308 and 2.309 2.309, 2.310 and 2.311 are not incorporated by reference.

Authority G.S. 130A-294(c); 150B-21.6.

#### .0106 IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - PART 261

(a) 40 CFR 261.1 through 261.9 (Subpart A), "General", are incorporated by reference including subsequent

amendments and editions.

(b) 40 CFR 261.10 through 261.11 (Subpart B), "Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Waste", are incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 261.20 through 261.24 (Subpart C), "Characteristics of Hazardous Waste" are incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 261.30 through ~~261.35~~ 261.38 (Subpart D), "Lists of Hazardous Wastes" are incorporated by reference including subsequent amendments and editions.

(e) The Appendices to 40 CFR Part 261 are incorporated by reference including subsequent amendments and editions.

Authority G.S. 130A-294(c); 150B-21.6.

#### .0108 STDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE - PART 263

(a) 40 CFR 263.10 through 263.12 (Subpart A), "General", are have been incorporated by reference including subsequent amendments and editions.

(b) 40 CFR 263.20 through 263.22 (Subpart B), "Compliance With the Manifest System and Record keeping", are have been incorporated by reference including subsequent amendments and editions.

(c) Upon discovering a significant manifest discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator (e.g. with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the transporter must immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it with a copy of the manifest or shipping paper at issue.

(d) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a transporter actually transports. Significant discrepancies in quantity are: for bulk waste, variations greater than 10 percent in weight; and, for batch waste, any variation in piece count (e.g. a discrepancy of one drum in a truckload). Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis (e.g. waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper).

(e) (c) 40 CFR 263.30 through 263.31 (Subpart C), "Hazardous Waste Discharges", are have been incorporated by reference including subsequent amendments and editions.

Authority G.S. 130A-294(c); 150B-21.6.

#### .0110 INTERIM STATUS STDS FOR OWNERS-OP OF HWTSD FACILITIES - PART 265

(a) 40 CFR 265.1 through 265.4 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.

(b) 40 CFR 265.10 through 265.19 (Subpart B), "General



Facility Standards", are incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 265.30 through 265.37 (Subpart C), "Preparedness and Prevention", are incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 265.50 through 265.56 (Subpart D), "Contingency Plan and Emergency Procedures", are incorporated by reference including subsequent amendments and editions.

(e) 40 CFR 265.70 through 265.77 (Subpart E), "Manifest System, Recordkeeping, and Reporting", are incorporated by reference including subsequent amendments and editions.

(f) 40 CFR 265.90 through 265.94 (Subpart F), "Ground-Water Monitoring", are incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 265.110 through 265.121 ~~265.120~~ (Subpart G), "Closure and Post-Closure", are incorporated by reference including subsequent amendments and editions.

(h) 40 CFR 265.140 through 265.151 (Subpart H), "Financial Requirements", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 265.143(a)(3), (a)(4), (a)(5), (a)(6), and 40 CFR 265.145(a)(3), (a)(4), (a)(5), are not incorporated by reference.

- (1) The following shall be substituted for the provisions of 40 CFR 265.143(a)(3) which were not incorporated by reference: The owner or operator shall deposit the full amount of the closure cost estimate at the time the fund is established. Within one year of the effective date of these Rules, an owner or operator using a closure trust fund established prior to the effective date of these Rules shall deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or shall obtain other financial assurance as specified in this Section.
- (2) The following shall be substituted for the provisions of 40 CFR 265.143(a)(6) which were not incorporated by reference: After the trust fund is established, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.
- (3) The following shall be substituted for the provisions of 40 CFR 265.145(a)(3) which were not incorporated by reference:

(A) Except as otherwise provided in Part (h)(3)(B) of this Rule, the owner or operator shall deposit the full amount of the post-closure cost estimate at the time the fund

is established.

(B) If the Department finds that the owner or operator of an inactive hazardous waste disposal unit cannot provide financial assurance for post-closure through any other option (e.g. surety bond, letter of credit, or corporate guarantee), a plan for annual payments to the trust fund during the interim status period may be established by the Department by use of an Administrative Order.

(i) 40 CFR 265.170 through 265.178 (Subpart I), "Use and Management of Containers", are incorporated by reference including subsequent amendments and editions. Additionally, the owner or operator shall keep records and results of required inspections for at least three years from the date of the inspection.

(j) 40 CFR 265.190 through 265.202 (Subpart J), "Tank Systems", are incorporated by reference including subsequent amendments and editions.

(k) 40 CFR 265.220 through 265.231 (Subpart K), "Surface Impoundments", are incorporated by reference including subsequent amendments and editions.

(l) 40 CFR 265.250 through 265.260 (Subpart L), "Waste Piles", are incorporated by reference including subsequent amendments and editions.

(m) 40 CFR 265.270 through 265.282 (Subpart M), "Land Treatment", are incorporated by reference including subsequent amendments and editions.

(n) 40 CFR 265.300 through 265.316 (Subpart N), "Landfills", are incorporated by reference including subsequent amendments and editions.

(o) 40 CFR 265.340 through 265.352 (Subpart O), "Incinerators", are incorporated by reference including subsequent amendments and editions.

(p) 40 CFR 265.370 through 265.383 (Subpart P), "Thermal Treatment", are incorporated by reference including subsequent amendments and editions.

(q) 40 CFR 265.400 through 265.406 (Subpart Q), "Chemical, Physical, and Biological Treatment", are incorporated by reference including subsequent amendments and editions.

(r) 40 CFR 265.440 through 265.445 (Subpart W), "Drip Pads", are incorporated by reference including subsequent amendments and editions.

(s) 40 CFR 265.1030 through 265.1049 (Subpart AA), "Air Emission Standards for Process Vents", are incorporated by reference including subsequent amendments and editions.

(t) 40 CFR 265.1050 through 265.1079 (Subpart BB), "Air Emission Standards for Equipment Leaks", are incorporated by reference including subsequent amendments and editions.

(u) 40 CFR 265.1080 through 265.1091 (Subpart CC), "Air Emission Standards for Tanks, Surface Impoundments, and Containers", are incorporated by reference including subsequent amendments and editions.

(v) 40 CFR 265.1100 through 265.1102 (Subpart DD), "Containment Buildings", are incorporated by reference



including subsequent amendments and editions.

(w) 40 CFR 265.1200 through 265.1202 (Subpart EE), "Hazardous Waste Munitions and Explosives Storage", are incorporated by reference including subsequent amendments and editions.

(x) Appendices to 40 CFR Part 265 are incorporated by reference including subsequent amendments and editions.

*Authority G.S. 130A-294(c); 150B-21.6.*

**.0112 LAND DISPOSAL RESTRICTIONS - PART 268**

(a) 40 CFR 268.1 through 268.14 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.

(b) 40 CFR 268.30 through 268.39 (Subpart C), "Prohibitions on Land Disposal", are incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 268.40 through 268.49 268:48 (Subpart D), "Treatment Standards", are incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 268.50 (Subpart E), "Prohibitions on Storage", is incorporated by reference including subsequent amendments and editions.

(e) Appendices to 40 CFR Part 268 are incorporated by reference including subsequent amendments and editions.

*Authority G.S. 130A-294(c); 150B-21.6.*

**.0113 THE HAZARDOUS WASTE PERMIT PROGRAM - PART 270**

(a) 40 CFR 270.1 through 270.6 (Subpart A), "General Information", are have been incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 26, 1983" shall be substituted for "July 26, 1982" contained in 40 CFR 270.1(c).

(b) 40 CFR 270.10 through 270.29 (Subpart B), "Permit Application", are have been incorporated by reference including subsequent amendments and editions.

(c) The following are additional Part B information requirements for all hazardous waste facilities:

(1) Description and documentation of the public meetings as required in 15A NCAC 13A .0109(r)(7); 15A NCAC 13A-0009(r)(7);

(2) A description of the hydrological and geological properties of the site including, at a minimum, flood plains, depth to water table, ground water travel time, seasonal and long-term groundwater level fluctuations, proximity to public water supply watersheds, consolidated rock, soil pH, soil cation exchange capacity, soil characteristics and composition and permeability, existence of cavernous bedrock and seismic activity, slope, mines, climate, location and withdrawal rates of surface water users within the immediate drainage

basin and well water users within a one mile radius of the facility; water quality information of both surface and groundwater within 1000 ft. of the facility, and a description of the local air quality;

(3) A description of the facility's proximity to and potential impact on wetlands, endangered species habitats, parks, forests, wilderness areas, historical sites, mines, and air quality;

(4) A description of local land use including residential, industrial, commercial, recreational, agricultural and the proximity to schools and airports;

(5) A description of the proximity of the facility to waste generators and population centers; a description of the method of waste transportation; the comments of the local community and state transportation authority on the proposed route, and route safety. Comments should include proposed alternative routes and restrictions necessary to protect the public health;

(6) A description of facility aesthetic factors including visibility, appearance, and noise level; and

(7) A description of any other objective factors that the Department determines are reasonably related and relevant to the proper siting and operation of the facility.

(d) In addition to the specific Part B information requirements for hazardous waste disposal facilities, owners and operators of hazardous waste landfills or long term storage facilities shall provide the following information:

(1) Design drawings and specifications of the leachate collection and removal system;

(2) Design drawings and specifications of the artificial impervious liner;

(3) Design drawings and specifications of the clay or clay-like liner below the artificial liner, and a description of the permeability of the clay or clay-like liner; and

(4) A description of how hazardous wastes will be treated prior to placement in the facility.

(e) In addition to the specific Part B information requirements for surface impoundments, owners and operators of surface impoundments shall provide the following information:

(1) Design drawings and specifications of the leachate collection and removal system;

(2) Design drawings and specifications of all artificial impervious liners;

(3) Design drawings and specifications of all clay or clay-like liners and a description of the clay or clay-like liner; and

(4) Design drawings and specifications that show that the facility has been constructed in a manner that will prevent landsliding, slippage, or slumping.

(f) 40 CFR 270.30 through 270.33 (Subpart C), "Permit Conditions", are have been incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 270.40 through 270.43 (Subpart D), "Changes to Permit", are have been incorporated by reference including subsequent amendments and editions.

(h) 40 CFR 270.50 through 270.51 (Subpart E), "Expiration and Continuation of Permits", are have been incorporated by reference including subsequent amendments and editions.

(i) 40 CFR 270.60 through 270.66 (Subpart F), "Special Forms of Permits", are have been incorporated by reference including subsequent amendments and editions.

(j) 40 CFR 270.70 through 270.73 (Subpart G), "Interim Status", are have been incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 1, 1986" shall be substituted for "November 8, 1985" contained in 40 CFR 270.73(c).

(k) The following are additional permitting requirements concerning operating record of other facilities.

(1) An applicant applying for a permit for a hazardous waste facility shall submit a disclosure statement to the Department as a part of the application for a permit or any time thereafter specified by the Department. The disclosure statement shall be supported by an affidavit attesting to the truth and completeness of the facts asserted in the statement and shall include:

- (A) A brief description of the form of the business (e.g. partnership, sole proprietorship, corporation, association, or other);
- (B) The name and address of any hazardous waste facility constructed or operated after October 21, 1976 by the applicant or any parent or subsidiary corporation if the applicant is a corporation; and
- (C) A list identifying any legal action taken against any facility identified in Part (k)(1)(B) of this Rule involving:
  - (i) any administrative ruling or order issued by any state, federal or local authority relating to revocation of any environmental or waste management permit or license, or to a violation of any state or federal statute or local ordinance relating to waste management or environmental protection;
  - (ii) any judicial determination of liability or conviction under any state or federal law or local ordinance relating to waste management or environmental protection; and
  - (iii) any pending administrative or judicial proceeding of the type described in this Part.
- (D) The identification of each action described in Part (k)(1)(C) of this Rule shall include the name and location of the facility that the action concerns, the agency or court that

heard or is hearing the matter, the title, docket or case number, and the status of the proceeding.

(2) In addition to the information set forth in Subparagraph (k)(1) of this Rule, the Department may require from any applicant such additional information as it deems necessary to satisfy the requirements of G.S. 130A-295. Such information may include, but shall not be limited to:

- (A) The names, addresses, and titles of all officers, directors, or partners of the applicant and of any parent or subsidiary corporation if the applicant is a corporation;
- (B) The name and address of any company in the field of hazardous waste management in which the applicant business or any of its officers, directors, or partners, hold an equity interest and the name of the officer, director, or partner holding such interest; and
- (C) A copy of any administrative ruling or order and of any judicial determination of liability or conviction described in Part (k)(1)(C) of this Rule, and a description of any pending administrative or judicial proceeding in that item.

(3) If the Department finds that any part or parts of the disclosure statement is not necessary to satisfy the requirements of G.S. 130A-295, such information shall not be required.

(l) An applicant for a new, or modification to an existing, commercial facility permit, shall provide a description and justification of the need for the facility.

(m) Requirements for Off-site Recycling Facilities.

- (1) The permit requirements of this Rule apply to owners and operators of off-site recycling facilities.
- (2) The following provisions of 40 CFR Part 264, as incorporated by reference, shall apply to owners and operators of off-site recycling facilities:
  - (A) Subpart B - General Facility Standards
  - (B) Subpart C - Preparedness and Prevention
  - (C) Subpart D - Contingency Plan and Emergency Procedures
  - (D) Subpart E - Manifest System, Recordkeeping and Reporting
  - (E) Subpart G - Closure and Post-closure
  - (F) Subpart H - Financial Requirements
  - (G) Subpart I - Use and Management of Containers
  - (H) Subpart J - Tank Systems
  - (I) 264.101 - Corrective Action for Solid Waste Management Units
  - (J) Subpart X - Miscellaneous Units
  - (K) Subpart DD - Containment Buildings
- (3) The requirements listed in Subparagraph (m)(2) of this Rule apply to the entire off-site recycling facility, including all recycling units, staging and process areas, and permanent and temporary storage



areas for wastes.

- (4) The following provisions of 15A NCAC 13A .0109 ~~15A NCAC 13A .0009~~ shall apply to owners and operators of off-site recycling facilities:
  - (A) The substitute financial requirements of Rule ~~.0009(r)(1)~~, .0109(i)(1), (2) and (4).
  - (B) The additional standards of Rule ~~.0009(r)(1)~~, .0109(r)(1), (2), (3), (6) and (7).
- (5) The owner or operator of an off-site recycling facility shall keep a written operating record at his facility.
- (6) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
  - (A) A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or recycling at the facility.
  - (B) The location of all hazardous waste within the facility and the quantity at each location. This information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest.
  - (C) Documentation of the fate of all hazardous wastes received from off-site or generated on-site. This shall include records of the sale, reuse, off-site transfer, or disposal of all waste materials.
- (n) Permit Fees for Commercial Hazardous Waste Facilities.
  - (1) An applicant for a permit modification for a commercial hazardous waste facility shall pay an application fee as follows:
    - (A) Class 1 permit modification - \$100
    - (B) Class 2 permit modification - \$1,000
    - (C) Class 3 permit modification - \$5,000

{Note: Class 1 permit modifications which do not require prior approval of the Division Director are excluded from the fee requirement.}

  - (2) The application fee for a new permit, permit renewal, or permit modification must accompany the application, and is non-refundable. The application shall be considered incomplete until the fee is paid. Checks should be made payable to: Division of Solid Waste Management.

*Authority G.S. 130A-294(c); 130A-294.1; 130A-295(a)(1),(2),(c); 150B-21.6.*

**.0118 STANDARDS FOR THE MANAGEMENT OF USED OIL**

(a) 40 CFR 279.1 (Subpart A), "Definitions", ~~is~~ has been incorporated by reference including subsequent amendments and editions, except that the Definition for "Used Oil" is defined by G.S. 130A-290(b) and is not incorporated by

reference.

- (b) 40 CFR 279.10 through 279.12 (Subpart B), "Applicability", ~~are have been~~ incorporated by reference including subsequent amendments and editions.
- (c) 40 CFR 279.20 through 279.24 (Subpart C), "Standards for Used Oil Generators", ~~are have been~~ incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 279.30 through 279.32 (Subpart D), "Standards for Used Oil Collection Centers and Aggregation Points", ~~are have been~~ incorporated by reference including subsequent amendments and editions.
- (e) 40 CFR 279.40 through 279.47 (Subpart E), "Standards for Used Oil Transporter and Transfer Facilities", ~~are have been~~ incorporated by reference including subsequent amendments and editions.
- (f) 40 CFR 279.50 through 279.59 (Subpart F), "Standards for Used Oil Processors and Re-Refiners", ~~are have been~~ incorporated by reference including subsequent amendments and editions.
- (g) 40 CFR 279.60 through 279.67 (Subpart G), "Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery", ~~are have been~~ incorporated by reference including subsequent amendments and editions.
- (h) 40 CFR 279.70 through 279.75 (Subpart H), "Standards for Used Oil Fuel Marketers", ~~are have been~~ incorporated by reference including subsequent amendments and editions.
- (i) 40 CFR 279.80 through 279.81 (Subpart I), "Standards for Use as a Dust Suppressant and Disposal of Used Oil" ~~are have been~~ incorporated by reference including subsequent amendments and editions. {Note: 40 CFR 279.82, which addresses used oil as a dust suppressant, is specifically not incorporated by reference. See also G.S. 130A-309.15 for prohibited acts regarding used oil}.
- (j) Additional State Requirements.
  - (1) By July 1 of each year the following persons shall notify the Department by submitting an annual report listing the type and quantity of used oil transported, collected, and recycled during the preceding calendar year, on Department forms:
    - (A) Persons transporting more than 500 gallons of used oil per week over public highways.
    - (B) Collection facilities that annually receive more than 6,000 gallons of used oil excluding the volume of used oil collected from individuals that change their own personal motor oil.
    - (C) Facilities that annually recycle more than 10,000 gallons of used oil.
    - (D) Public used oil collection centers.
  - (2) The following persons are not required to comply with 15A NCAC 13A .0118(j)(1) ~~15A NCAC 13A .0018(j)(1)~~:
    - (A) An electric utility that generates used oil which is reclaimed, recycled, or re-refined on-site for use in its operations.
    - (B) An on-site burner that burns its own



on-specification used oil provided that the facility is in compliance with any Air Quality permit requirements established by the Department.

- (3) An annual fee of twenty five dollars (\$25.00) shall be paid by all persons identified in 15A NCAC 13A .0118(j)(1)(A)-(C) ~~15A NCAC 13A .0018(j)(1)(A)-(C)~~ by July 1 of each year.

Authority G.S. 130A-294(b),(c); 150B-21.6.

\*\*\*\*\*

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to adopt rules cited as 15A NCAC 18C .1538, .2007-.2008 and amend rule cited as 15A NCAC 18C .1513. Notice of Rule-making Proceedings was published in the Register on September 1, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 am - 12:00 pm on December 1, 1999 at the Archdale Building, 512 North Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** In order to meet the conditions of the primacy agreement with the US Environmental Protection Agency, North Carolina must adopt rules that are no less stringent than the Federal Regulations as required in Section 1413 of the Safe Drinking Water Act. The National Primary Drinking Water Regulations: Consumer Confidence Reports Rule was promulgated on August 19, 1998; Interim Enhanced Surface Water Treatment Final Rule was promulgated on December 16, 1998; Disinfectants and Disinfection Byproducts Final Rule was promulgated on December 16, 1998. Cites: C.F.R. 141, Subpart O, Subpart P, Subpart L, Section 141.53, Section 141.54, Section 141.64, and Section 141.65.

**Comment Procedures:** Copies of the proposed rules and information packages may be obtained by contacting Phyllis Locke, Division of Environmental Health, Public Water Supply Section at telephone number (919) 715-3898. Written comments may be submitted to John C. McFadyen, Head, Compliance Services Branch, at 1634 Mail Service Center, Raleigh, NC 27699-1634. Comments will be accepted through January 14, 2000.

<u>Fiscal Impact</u>		Sub.	None
State	Local		
			✓ 15A NCAC 18C .1513
✓	✓		15A NCAC 18C .1538
✓	✓	✓	15A NCAC 18C .2007
✓	✓		15A NCAC 18C .2008

## CHAPTER 18 - ENVIRONMENTAL HEALTH

### SUBCHAPTER 18C - WATER SUPPLIES

#### SECTION .1500 - WATER QUALITY STANDARDS

##### .1513 TOTAL TRIHALOMETHANES SAMPLING AND ANALYSIS: 10,000 OR MORE

(a) The provisions of 40 C.F.R. 141.30 are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's webpage at <http://www.epa.gov/ogwdw/regs.html>.

(b) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.

(a) Community water systems which serve a population of 10,000 or more individuals and which add a disinfectant (oxidant) to the water in any part of the drinking water treatment process shall analyze for total trihalomethanes (TTHMs) in accordance with this Rule. For systems serving 75,000 or more individuals, sampling and analyses shall begin not later than November 29, 1980. For systems serving 10,000 to 74,999 individuals, sampling and analyses shall begin not later than November 29, 1982. For the purpose of this Rule, the minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with Department approval, be considered one treatment plant for determining the minimum number of samples. All samples taken within an established frequency shall be collected within a 24 hour period.

(b) For all community water systems utilizing surface water sources in whole or in part, and for all community water systems utilizing only ground water sources that have not been determined by the Department to qualify for the monitoring requirements of (c) of this Rule, analyses for TTHMs shall be made as follows:

- (1) Analyses shall be performed at quarterly intervals on at least four water samples for each treatment plant used by the system. At least 25 percent of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75 percent shall be taken at representative locations in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter shall be

arithmetically averaged and reported to the Department within 30 days of the system's receipt of such results. All samples collected shall be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in (c) of this Rule.

- (2) Upon the written request of a community water system, the monitoring frequency required by (b)(1) of this Rule may be reduced by the Department to a minimum of one sample analyzed for TTHMs per quarter taken at a point in the distribution system reflecting the maximum residence time of the water in the system, upon a written determination by the Department that the data from at least one year of monitoring in accordance with (b)(1) of this Rule and local conditions demonstrate that total trihalomethane concentrations will be consistently below the maximum contaminant level.
- (3) If at any time during which the reduced monitoring frequency prescribed under this Paragraph applies, the results from any analysis exceed 0.10 mg/l of TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the system makes any significant change to its source of water or treatment program, the system shall immediately begin monitoring in accordance with the requirements of (b)(1) of this Rule, which monitoring shall continue for at least one year before the frequency may be reduced again. At the option of the Department, a system's monitoring frequency may and should be increased above the minimum in those cases where it is necessary to detect variations of TTHM levels within the distribution system.

(c) Upon written request to the Department, a community water system utilizing only ground water sources may seek to have the monitoring frequency required by (b)(1) of this Rule reduced as follows:

- (1) There shall be a minimum of one sample for maximum TTHM potential per year for each treatment plant used by the system taken at a point in the distribution system reflecting maximum residence time of the water in the system. The system shall submit to the Department the results of at least one sample analyzed for maximum TTHM potential for each treatment plant used by the system taken at a point in the distribution system reflecting the maximum residence time of the water in the system. The system's monitoring frequency may only be reduced upon a written determination by the Department that, based upon the data submitted by the system, the system has a maximum TTHM potential of less than 0.10 mg/l and that, based upon an assessment of the local conditions of the system,

the system is not likely to approach or exceed the maximum contaminant level for total TTHMs. The results of all analyses shall be reported to the Department within 30 days of the system's receipt of such results. All samples collected shall be used for determining whether the system must comply with the monitoring requirements of (b) of this Rule, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in (c) of this Rule.

- (2) If at any time during which the reduced monitoring frequency prescribed under (c)(1) of this Rule applies, the results from any analysis taken by the system for maximum TTHM potential are equal to or greater than 0.10 mg/l, and such results are confirmed by at least one check sample taken promptly after such results are received, the system shall immediately begin monitoring in accordance with the requirements of (b) of this Rule and such monitoring shall continue for at least one year before the frequency may be reduced again. In the event of any significant change to the system's raw water or treatment program, the system shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the system must comply with the monitoring requirements of (b) of this Rule. At the option of the Department, monitoring frequencies may and should be increased above the minimum in those cases where this is necessary to detect variation of TTHM levels within the distribution system.

(d) Compliance with 15A NCAC 18C .1517(3) shall be determined based on a running annual average of quarterly samples collected by the system as prescribed in (b)(1) or (2) of this Rule. If the average of samples covering any 12 month period exceeds the maximum contaminant level, the supplier of water shall report to the Department pursuant to 15A NCAC 18C .1525 and notify the public pursuant to 15A NCAC 18C .1523. Monitoring after public notification shall be at a frequency designated by the Department and shall continue until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(e) Sampling and analyses made pursuant to this Section shall be conducted by one of the following EPA approved methods:

- (1) "The Analysis of Trihalomethanes in Drinking Waters by the Purge and Trap Method," Method 501.1, Environmental Monitoring and Support Laboratory, EPA Cincinnati, Ohio.
- (2) "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2,



Environmental Monitoring and Support Laboratory, EPA Cincinnati, Ohio:

(3) Samples for TTHM shall be dechlorinated upon collection to prevent further production of trihalomethanes; according to the procedures described in the methods in (1) and (2) of this Subparagraph. Samples for maximum TTHM potential should not be dechlorinated, and should be held for seven days at 25°C or above prior to analysis, according to the procedures described in the methods in (1) and (2) of this Subparagraph:

(f) Before a community water system makes any significant modifications to its existing treatment process for the purposes of achieving compliance with 15A NCAC 18C-1517(3), such system must submit and obtain Department approval of a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by such system will not be adversely affected by such modification. Each system shall comply with the provisions set forth in the Department approved plan. At a minimum, a Department approved plan shall require the system modifying its disinfection practice to:

- (1) Evaluate the water system for sanitary defects and evaluate the source water for biological quality;
- (2) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;
- (3) Provide baseline water quality survey data of the distribution system. Such data shall include the results from monitoring for coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35°C and 20°C, phosphate, ammonia nitrogen and total organic carbon. Virus studies shall be required where source waters are heavily contaminated with sewage effluent;
- (4) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued. Additional monitoring shall also be required by the Department for chlorate, chlorite and chlorine dioxide when chlorine dioxide is used as a disinfectant. Standard plate count analyses shall also be required by the Department as appropriate before and after any modifications;
- (5) Consider inclusion in the plan of provisions to maintain an active disinfectant residual throughout the distribution system at all times during and after the modification.

(g) The maximum contaminant levels for trihalomethanes set forth in 15A NCAC 18C-1517 shall take effect November 29, 1981 for community water systems serving seventy-five thousand (75,000) or more individuals, and November 29, 1983 for community water systems serving ten thousand (10,000) to seventy-four thousand nine hundred ninety-nine (74,999) individuals:

Authority G.S. 130A-315; P.L. 93-523; 40 CFR 141.

## 1538 CONSUMER CONFIDENCE REPORT

(a) The provisions of 40 C.F.R. 141, Subpart O - Consumer Confidence Reports are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtain from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's Consumer Confidence Report Rule homepage at <http://www.epa.gov/safewater/ccrl.html>.

(b) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

## SECTION .2000 - FILTRATION AND DISINFECTION

### .2007 ENHANCED FILTRATION AND DISINFECTION

(a) Public water systems shall respond in writing to significant deficiencies outlined in sanitary survey reports no later than 45 days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey.

(b) Public water systems shall take necessary steps to address significant deficiencies identified in sanitary survey reports if such deficiencies are within the control of the public water system and its governing body.

(c) Sanitary survey means an onsite review of the water source (identifying sources of contamination using results of source water assessments where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

(d) A Comprehensive Performance Evaluation (CPE) is a thorough review and analysis of a plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

(e) A significant deficiency is a defect in a system's design, operation, or maintenance, as well as any failures or malfunctions of its treatment, storage, or distribution system, that is causing or has the potential to cause the introduction of contamination into water delivered to customers.

(f) The provisions of 40 C.F.R. 141, Subpart P - Enhanced



Filtration and Disinfection are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's webpage at <http://www.epa.gov/ogwdw/regs.html>.

*Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.*

**.2008     DISINFECTANTS AND DISINFECTION  
BYPRODUCTS**

(a) The provisions of 40 C.F.R. 141.53 are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's webpage at <http://www.epa.gov/ogwdw/regs.html>.

(b) The provisions of 40 C.F.R. 141.54 are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's webpage at <http://www.epa.gov/ogwdw/regs.html>.

(c) The provisions of 40 C.F.R. 141.64 are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's webpage at <http://www.epa.gov/ogwdw/regs.html>.

(d) The provisions of 40 C.F.R. 141.65 are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's webpage at <http://www.epa.gov/ogwdw/regs.html>.

(e) The provisions of 40 C.F.R. 141, Subpart L- Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of

Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from the Environmental Protection Agency's (USEPA) Drinking Water Hotline at 1-800-426-4791 or from EPA's webpage at <http://www.epa.gov/ogwdw/regs.html>.

(f) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.

*Authority G.S. 130A-315; P.L. 93-523; 40 CFR 141.*

\*\*\*\*\*

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend the rule cited as 15A NCAC 19A .0401. Notice of Rule-making Proceedings was published in the Register on September 15, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 a.m. on February 2, 2000 at the Archdale Building, Groundfloor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** *Hepatitis B vaccine (and many other vaccines) currently contain thimerosal which is a preservative that kills bacteria in vaccines. Thimerosal contains mercury. Due to the potential risk of a cumulative level of mercury over the first six months of life, the US Public Health Service and the American Academy of Pediatrics (AAP) jointly recommend that the first dose of hepatitis B be delayed until two to six months of life. Subsequently, the AAP has issued a statement recommending delay dose until six months of age until licensure of a thimerosal free hepatitis B vaccine. The AAP's statement is in conflict with the current North Carolina Rule, which states that the first dose must be administered by three months. In an effort to give health care providers the flexibility to administer the first dose of Hepatitis B vaccine between two to six months of life, the rule must be amended.*

**Comment Procedures:** *Comments, statements, data and other information may be submitted in writing through February 2, 2000. Copies of the proposed rules and information packages may be obtained by contacting the Immunization Branch at 919-715-6764. Written comments may be submitted to Barbara Laymon, Immunization Branch, 1330 St. Mary's Street, 1916 Mail Service Center, Raleigh, NC 27699-1916.*

<b>Fiscal Impact</b>		
<b>State</b>	<b>Local</b>	<b>Sub. None</b>
		✓

CHAPTER 19 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 19A - COMMUNICABLE DISEASE CONTROL

SECTION .0400 - IMMUNIZATION

.0401 DOSAGE AND AGE REQUIREMENTS FOR IMMUNIZATION

(a) Every individual in North Carolina required to be immunized pursuant to G.S. 130A-152 through 130A-157 shall be immunized against the following diseases by receiving the specified minimum doses of vaccines by the specified ages:

- (1) Diphtheria, tetanus, and whooping cough vaccine -- five doses: three doses by age seven months and two booster doses, one by age 19 months and the second on or after the fourth birthday and before enrolling in school (K-1) for the first time. The requirements for booster doses of diphtheria, tetanus, and whooping cough vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987. However:

- (a) An individual who has attained his or her seventh birthday without having been immunized against whooping cough shall not be required to be immunized with a vaccine preparation containing whooping cough antigen;
- (b) Individuals who receive the first booster dose of diphtheria, tetanus, and whooping cough vaccine on or after the fourth birthday shall not be required to have a second booster dose;
- (c) Individuals attending school, college or university or who began their tetanus/diphtheria toxoid series on or after the age of seven years shall be required to have three doses of tetanus/diphtheria toxoid of which one must have been within the last 10 years;

- (2) oral Poliomyelitis vaccine--four doses: two doses of trivalent type by age five months; a third dose trivalent type by before age 19 months, and a booster dose of trivalent type on or after the fourth birthday and before enrolling in school (K-1) for the first time. However: two doses of enhanced-potency inactivated poliomyelitis vaccine may be substituted for two doses of oral poliomyelitis vaccine;

- (a) ~~(b)(4)~~ An individual attending school who has attained his or her 18th birthday shall not be required to receive oral polio vaccine;
- (b) Individuals who receive the third dose of poliomyelitis vaccine on or after the fourth birthday shall not be required to receive a

fourth dose;

- (c) The requirements for booster doses of poliomyelitis vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987;
- (3) Measles (rubeola) vaccine--two doses of live, attenuated vaccine administered at least 30 days apart: one dose on or after age 12 months and before age 16 months and a second dose before enrolling in school (K-1) for the first time. However:
  - (a) An individual who has been documented by serological testing to have a protective antibody titer against measles shall not be required to receive measles vaccine;
  - (b) An individual who has been diagnosed prior to January 1, 1994, by a physician licensed to practice medicine as having measles (rubeola) disease shall not be required to receive measles vaccine;
  - (c) An individual born prior to 1957 shall not be required to receive measles vaccine;
  - (d) The requirement for a second dose of measles vaccine shall not apply to individuals who enroll in school (K-1) or in college or university for the first time before July 1, 1994;
- (4) Rubella vaccine--one dose of live, attenuated vaccine on or after age 12 months and before age 16 months. However:
  - (a) An individual who has been documented by serologic testing to have a protective antibody titer against rubella shall not be required to receive rubella vaccine;
  - (b) An individual who has attained his or her fiftieth birthday shall not be required to receive rubella vaccine;
  - (c) An individual who entered a college or university after his or her thirtieth birthday and before February 1, 1989 shall not be required to meet the requirement for rubella vaccine;
- (5) Mumps vaccine--one dose of live, attenuated vaccine administered on or after age 12 months and before age 16 months. However:
  - (a) An individual born prior to 1957 shall not be required to receive mumps vaccine;
  - (b) The requirements for mumps vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987 or in college or university before July 1, 1994. An individual who has been documented by serological testing to have a protective antibody titer against mumps shall not be required to receive mumps vaccine;
- (6) *Haemophilus influenzae, b*, conjugate vaccine--three doses of HbOC or two doses of PRP-OMP by before age seven months and a booster dose of any



type on or after age 12 months and by age 16 months. Individuals born before October 1, 1988 shall not be required to be vaccinated against *Haemophilus influenzae, b*. Individuals who receive the first dose of *Haemophilus influenzae, b* vaccine on or after 12 months of age and before 15 months of age shall be required to have only two doses of HbOC or PRP-OMP. Individuals who receive the first dose of *Haemophilus influenzae, b* vaccine on or after 15 months of age shall be required to have only one dose of any of the *Haemophilus influenzae* conjugate vaccines, including PRP-D. However, no individual who has passed their fifth birthday shall be required to be vaccinated against *Haemophilus influenzae, b*.

(7) Hepatitis B vaccine—three doses: one dose by age three months, a second dose by before age five months and a third dose by age 19 months: by age 19 months. Individuals born before July 1, 1994 shall not be required to be vaccinated against hepatitis B.

(b) Notwithstanding the requirements of Paragraph (a) of this Rule:

(1) An individual who has attained his or her seventh birthday without having been immunized against whooping cough shall not be required to be immunized with a vaccine preparation containing whooping cough antigen.

(2) An individual who has been documented by serologic testing to have a protective antibody titer against rubella shall not be required to receive rubella vaccine.

(3) An individual who has been documented by serological testing to have a protective antibody titer against measles shall not be required to receive measles vaccine. An individual who has been diagnosed prior to January 1, 1994, by a physician licensed to practice medicine as having measles (rubeola) disease shall not be required to receive measles vaccine.

(4) An individual attending school who has attained his or her 18th birthday shall not be required to receive oral polio vaccine.

(5) An individual born prior to 1957 shall not be required to receive measles or mumps vaccine. An individual who has attained his or her fiftieth birthday shall not be required to receive rubella vaccine. An individual who entered a college or university after his or her thirtieth birthday and before February 1, 1989 shall not be required to meet the requirement for rubella vaccine.

(6) The requirements for mumps vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987 or in college or university before July 1, 1994. An individual who has been documented by serological testing to have a protective antibody titer against mumps shall not be required to receive mumps vaccine.

(7) Individuals who receive the first booster dose of diphtheria, tetanus, and whooping cough vaccine on or after the fourth birthday shall not be required to have a second booster dose. Individuals who receive the third dose of oral poliomyelitis vaccine on or after the fourth birthday shall not be required to receive a fourth dose.

(8) The requirements for booster doses of diphtheria, tetanus, and whooping cough vaccine and oral poliomyelitis vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987. However, individuals attending a college or university or who began their tetanus/diphtheria toxoid series on or after the age of seven years shall be required to have three doses of tetanus/diphtheria toxoid of which one must have been within the last 10 years.

(9) Individuals born before October 1, 1988 shall not be required to be vaccinated against *Haemophilus influenzae, b*. Individuals who receive the first dose of *Haemophilus influenzae, b* vaccine on or after 12 months of age and before 15 months of age shall be required to have only two doses of HbOC or PRP-OMP. Individuals who receive the first dose of *Haemophilus influenzae, b* vaccine on or after 15 months of age shall be required to have only one dose of any of the *Haemophilus influenzae* conjugate vaccines, including PRP-D. However, no individual who has passed their fifth birthday shall be required to be vaccinated against *Haemophilus influenzae, b*.

(10) Individuals born before July 1, 1994 shall not be required to be vaccinated against hepatitis B.

(11) The requirement for a second dose of measles vaccine shall not apply to individuals who enroll in school (K-1) or in college or university for the first time before July 1, 1994.

Authority G.S. 130A-152(c); 130A-155.1.

\*\*\*\*\*

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to adopt the rules cited as 15A NCAC 21F .1201-.1204 and amend the rule cited as 15A NCAC 21H .0314. Notice of Rule-making Proceedings was published in the Register on September 15, 1999, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 a.m. on December 1, 1999 at the Archdale Building, Groundfloor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** Approximately 80% of this



State's birthing hospitals now have one of three types of equipment for performing newborn physiologic hearing screenings. Varied testing protocols are being employed across this State which result in varied outcomes regarding pass/fail interpretations. This agency has oversight responsibility for the screening of newborns. The North Carolina General Assembly (S.L. 1998, c. 131, s. 13) directed the Commission for Health Services to adopt temporary and permanent rules to include newborn hearing screening in the Newborn Screening Program established under G.S. 130A-125.

**Comment Procedures:** Written comments may be submitted to Mary Ann Stone, Children's Special Health Services, PO Box 29597, Raleigh, NC 27626-0597, within 30 days after the date of publication of this issue in the NC Register. Copies of the proposed rules may be obtained by contacting Mary Ann Stone at 919-715-3904.

<u>Fiscal Impact</u>		
State	Local	Sub. None
		✓

## CHAPTER 21 - HEALTH: PERSONAL HEALTH

### SUBCHAPTER 21F - CHILDREN'S SPECIAL HEALTH SERVICES: CHILDREN AND YOUTH SECTION

#### SECTION .1200 - GENERAL

##### .1201 GENERAL

The hearing screening component of the Department of Health and Human Services' Newborn Screening Program is administered by the central office staff for Children's Special Health Services. The genetic screening component of the Department's Newborn Screening Program is found in 15A NCAC 21H .0314.

Authority G.S. 130A-125.

##### .1202 DEFINITIONS

As used in this Section:

- (1) "CSHS" means the Children's Special Health Services Program central office staff.
- (2) "Neonate" means any term infant less than one month of age or any preterm infant less than one month corrected age.
- (3) "Person" means any natural person, partnership, corporation, unit of government of this State, and any unincorporated organizations.

Authority G.S. 130A-125.

##### .1203 SCREENING REQUIREMENTS

(a) The attending physician shall order and medical facilities, that provide birthing or inpatient neonatal services,

shall make reasonable efforts to cause each neonate, born in North Carolina, to be physiologically screened in each ear for the presence of permanent hearing loss.

(b) Parents or guardians may object to the hearing screening in accordance with G.S. 130A-125(b).

Authority G.S. 130A-125; S.L. 1998, c. 131, s. 13.

#### .1204 REPORTING REQUIREMENTS

(a) The attending physician shall order and medical facilities, that provide birthing or inpatient neonatal services, shall make reasonable efforts to identify and report to the local health department of residence all neonates who, prior to discharge home, were not successfully screened or who failed to pass the physiologic hearing screening. These reports shall be submitted within 30 days after discharge.

(b) All persons performing neonatal physiologic hearing screenings shall report quarterly to CSHS, within 30 days after the end of each quarter in the calendar year, the following:

- (1) Total number of neonates who were screened by each tester and the number who passed that screening, with the results of multiple screenings for the same neonate being clarified.
- (2) Total number of neonates whose parents or guardians objected to the hearing screening.

(c) All persons performing physiologic hearing screenings for infants less than six months of age shall adopt testing and monitoring procedures and follow-up protocols to assure referral for diagnosis and treatment, in accordance with a statewide plan developed by CSHS in consultation with the Early Diagnosis and Intervention Section in the Division of Education Services in the Department.

Authority G.S. 130A-125.

### SUBCHAPTER 21H - SICKLE CELL SYNDROME: GENETIC COUNSELING: CHILDREN AND YOUTH SECTION

#### SECTION .0300 - GENETIC HEALTH CARE

##### .0314 SUBMISSION OF BLOOD SPECIMENS FOR SCREENING OF NEWBORNS

(a) The attending physician shall draw a blood specimen for each infant born in North Carolina and shall submit such specimens to the North Carolina State Laboratory for Public Health for testing for the following metabolic and other hereditary and congenital disorders:

- (1) phenylketonuria (PKU),
- (2) galactosemia,
- (3) congenital primary hypothyroidism,
- (4) congenital adrenal hyperplasia (21-hydroxylase deficiency),
- (5) sickle cell disease.

(b) Notwithstanding Paragraph (a) of this Rule, parents or guardians may object to screening in accordance with G.S.

130A-125(b).

(c) The hearing screening component of the Department's Newborn Screening Program is found in 15A NCAC 21F .1200.

Authority G.S. 130A-125.

\*\*\*\*\*

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend the rules cited as 15A NCAC 24A .0402-.0403. Notice of Rule-making Proceedings was published in the Register on September 15, 1999.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 a.m. on December 1, 1999 at the Archdale Building, Groundfloor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:** These amendments would place limits on the amount that could be paid on any single claim for authorized services under the Cancer Program. These limits are defined as percentages of the program's budget. This will protect the program's budget from new, unusual, and high cost services, which could force the program to close suddenly, denying basic services to many citizens. Recent budget shortfalls, and discussions with an Appropriations subcommittee (to obtain approval for the transfer of funds into the program) have heightened the need for this fiscal limitation.

**Comment Procedures:** Comments may be submitted in writing within 30 days after the date of publication of this issue of the North Carolina Register to Richard F. Moore, DHHS Controller's Office, Purchase of Medical Care Services Unit, PO Box 29602, Raleigh, NC.

**Fiscal Impact**

State	Local	Sub.	None
			✓

**CHAPTER 24 - GENERAL PROCEDURES FOR  
PUBLIC HEALTH PROGRAMS**

**SUBCHAPTER 24A - PAYMENT PROGRAMS**

**SECTION .0400 - REIMBURSEMENT**

**.0402 REIMBURSEMENT FOR INPATIENT  
HOSPITALIZATION**

(a) The Department shall reimburse providers of authorized inpatient hospitalization services at 80 percent of the hospital's inpatient cost rate, which is then applied to the amount billed for authorized services. The inpatient cost rate is a ratio of

cost to charges that is derived from audited cost reports and is obtained from the Division of Medical Assistance. The Department shall use the cost rate in effect on the date a claim is received, and retroactive adjustments to claims paid shall not be made. If a cost rate cannot be obtained for an out-of-state hospital, the Department shall reimburse the hospital at 75 percent of the billed amount for authorized services. The cost rates and any subsequent amendments and editions are incorporated herein by reference in accordance with G.S. 150B-21.6. The cost rates can be obtained from the Office of the Controller, Purchase of Medical Care Services, P.O. Box 29602, Raleigh, N.C. 27626-0602.

(b) In addition to the requirements of Paragraph (a) of this Rule, in the Cancer Program there shall be a limit on the payment for an inpatient admission of 1% of the program's current annual budget.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; 130A-223.

**.0403 REIMBURSEMENT FOR PROFESSIONAL,  
OUTPATIENT, OTHER SERVICES**

(a) The Department shall reimburse providers of authorized outpatient services, professional services, and all other services not otherwise covered in the rules of this Section at the Medicaid rate in effect at the time the claim is received by the Department, except in the Migrant Health Program.

(b) The Migrant Health Program shall reimburse providers of program covered outpatient, professional, and other services at the Medicaid rate in effect at the time the claim is received minus the allowable patient copayment to a maximum program payment of one hundred fifty dollars (\$150.00) per claim, per date of service. The allowable patient copayment is three dollars (\$3.00) for each prescribed drug and five dollars (\$5.00) per claim, per date of service for all other services. The one hundred fifty dollar (\$150.00) limit shall not apply to drugs, medical supplies, and durable medical equipment.

(c) In addition to the requirements of Paragraph (a) of this Rule, for professional and outpatient services under the Cancer Program, there shall be a per claim payment limit of 1% of the program's current annual budget.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; 130A-223.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

**CHAPTER 48 - BOARD OF PHYSICAL  
THERAPY EXAMINERS**

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Physical Therapy Examiners intends to amend rule cited as 21 NCAC 48F 0102. Notice of Rule-making Proceedings was published in the Register on September 15, 1999.



**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 11:00 am on December 9, 1999 at the Ramada Inn, Dorton Room, 1520 Blue Ridge Rd., Raleigh, NC 27607.

**Reason for Proposed Action:** In the 1999 Session of the North Carolina General Assembly, the Legislature granted the Board statutory authority to increase the fees, effective immediately. The majority of fees that will be collected in 1999-2000 will be collected in November '99, December '99, and January, 2000. The Board had a deficit of \$54,000 in 1998-1999 fiscal year and without the fee increase, the Board will experience a larger deficit in 1999-2000.

**Comment Procedures:** Comments, both written and oral, may be submitted at the public hearing. Oral presentation lengths may be limited, depending on the number of people that wish to speak at the public hearing. Written comments are encouraged and may be submitted to Mr. Ben Massey, Jr., PT, Executive Director, NC Board of Physical Therapy Examiners, 18 West Colony Place, Suite 120, Durham, NC 27705, (919) 490-6393 and must be received no later than December 15, 1999.

**Fiscal Impact**

State	Local	Sub.	None
			✓

**SUBCHAPTER 48F - CERTIFICATES: FEES:  
INVESTIGATIONS: RECORD OF LICENSEES**

**SECTION .0100 - CERTIFICATES: FEES:  
INVESTIGATIONS: RECORD OF LICENSEES**

**.0102 FEES**

- (a) The following fees are charged by the Board:
  - (1) application for physical therapist licensure:
    - (A) by endorsement or examination taken in another state, ~~one hundred dollars (\$100.00);~~ one hundred twenty dollars (\$120.00);
    - (B) by examination, ~~one hundred dollars (\$100.00)~~ one hundred twenty dollars (\$120.00) plus cost of examination;
  - (2) application for physical therapist assistant licensure:
    - (A) by endorsement or examination taken in another state, ~~one hundred dollars (\$100.00);~~ one hundred twenty dollars (\$120.00);
    - (B) by examination, ~~one hundred dollars (\$100.00)~~ one hundred twenty dollars (\$120.00) plus cost of examination;
  - (3) renewal for all persons, ~~forty dollars (\$40.00);~~ sixty dollars (\$60.00);
  - (4) penalty for late renewal, twenty dollars (\$20.00) plus renewal fee;
  - (5) revival of license lapsed less than five years,

- ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00) plus renewal fee;
- (6) transfer of licensure information fee, including either the examination scores or licensure verification or both, ~~fifteen dollars (\$15.00);~~ twenty-five dollars (\$25.00);
- (7) retake examination, ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00) plus actual cost of examination;
- (8) certificate replacement or duplicate, ~~fifteen dollars (\$15.00);~~ twenty dollars (\$20.00);
- (9) directory of licensees, ~~five dollars (\$5.00);~~ ten dollars (\$10.00);
- (10) ~~computer print-out or labels of any portion of list of physical therapists; licensee list or labels or any portion there-of for physical therapists,~~ sixty dollars (\$60.00);
- (11) ~~computer print-out or labels of any portion of list of physical therapist assistants; licensee list or labels or any portion there-of for physical therapist assistants,~~ sixty dollars (\$60.00);
- (12) processing fee for returned checks, maximum allowed by law.

(b) The application fee is not refundable. The Board shall consider written requests for a refund of other fees based on personal or economic hardship.

(c) A certified check, money order or cash is required for payment of application fees listed in Paragraphs (a)(1)(A), (B), (C), (D), and (2)(A), (B), (C), and (D) of this Rule.

Authority G.S. 25-3-512; 90-270.33.

\*\*\*\*\*

**CHAPTER 58 - REAL ESTATE COMMISSION**

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Real Estate Commission intends to adopt rules cited as 21 NCAC 58A .0615; 58C .0108, .0220, .0601-.0608; and amend rules cited as 21 NCAC 58A .0107; .0109 - .0110; .0113 - .0114; .0301 - .0304; .0401 - .0404; .0406; .0503; .0505; .0601; .1402; .1703; .1708; 21 NCAC 58B .0101 - .0102; 21 NCAC 58C .0105 - .0107; .0207; .0213 - .0214; .0217 - .0218; .0302; .0304 - .0307; .0310; .0312; 21 NCAC 58E .0102; .0202; .0204 - .0205; .0304; .0310; .0412; .0515 . Notice of Rule-making Proceedings was published in the Register on September 15, 1999.

**Proposed Effective Date: July 1, 2000 -** 21 NCAC 58A .0107; .0109; .0113 - .0114; .0301; .0303; .0402; .0404; .0503; .0505; .0601; .0615; .1402; .1703; .1708; 21 NCAC 58B .0101 - .0102; 21 NCAC 58C .0105 - .0108; .0207; .0213 - .0214; .0217 - .0218; .0220; .0304; .0312; 21 NCAC 58E .0102; .0202; .0204 - .0205; .0304; .0310; .0412; .0515  
**October 1, 2000 -** 21 NCAC 58A .0110; .0302; .0304; .0401; .0403; .0406; 21 NCAC 58C .0302; .0305 - .0307; .0310; .0601- .0608



**A Public Hearing** will be conducted at 3:00 pm on December 7, 1999 at 1313 Navaho Drive, Raleigh, NC 27609.

**Reason for Proposed Action: 21 NCAC 58A-E** -to delete (1) all uses of the words "salesman" or "salesmen" and insert in lieu thereof the words "salesperson" or "salespersons", respectively; and (2) all uses of masculine pronouns and replace with both masculine and feminine pronouns.

**21 NCAC 58A .0107** -to (1) change the term "broker" to "licensee;" (2) define and require the use and proper referencing of supplemental disbursement worksheets for trust account checks applicable to multiple properties; (3) require referencing of all canceled checks or supplemental disbursement worksheets to corresponding ledger sheets; (4) clarify the definition of "transaction"; (5) permit the use of property ledger sheets; (6) require journal or check stubs to identify in chronological sequence each bank deposit and disbursement transaction and identify the corresponding ledger sheet either on the journal or on the supplemental deposit/disbursement worksheet; and (7) require the appropriate use of a subsidiary owner or property ledger sheet.

**21 NCAC 58A .0109** -to clarify that licensees providing certain ancillary goods and services for compensation need not make special disclosures to the customers who rent or purchase those same goods and services.

**21 NCAC 58A .0110** -to require that brokers-in-charge complete a special course of instruction.

**21 NCAC 58A .0113** -to require licensees to disclose to the Commission disciplinary actions against them in connection with any other professional license.

**21 NCAC 58A .0114** -to provide on the Residential Property Disclosure Statement for the disclosure of newly subdivided parcels of land, straight pipe sewer systems, past or current use of temporary sandbag erosion control structures, and to clarify the definition of "property".

**21 NCAC 58A .0301** -to provide a cross-reference to 21 NCAC 58A .0502, and to provide that the application form for an individual license applicant will require the applicant to provide proof of identity rather than photo identification.

**21 NCAC 58A .0302** -to provide new procedures for filing license applications and to describe the separate fee to be paid by applicants choosing to take the license examination by computer and how such fee will be determined.

**21 NCAC 58A .0303** -to provide procedures for payment of the fee to take the license examination by computer.

**21 NCAC 58A .0304** -to delete paragraph (a), and to clarify the application of the provision now appearing as paragraph (b).

**21 NCAC 58A .0401** -to establish new procedures and requirements for scheduling applicants for license examinations.

**21 NCAC 58A .0402** -to amend the period of time during which the one-year examination recognition is tolled, to eliminate references to separate license examinations for

brokers and salespersons, and to provide a more flexible definition of the examination passing score.

**21 NCAC 58A .0403** -to establish new procedures for the re-examination of applicants who fail to pass the license examination or who fail to appear for a scheduled examination.

**21 NCAC 58A .0404** -to provide that applicants must strictly comply with all instructions provided by examination supervisors regarding examination procedures and applicant conduct during examinations, and failure to do so may result in appropriate action by the Commission.

**21 NCAC 58A .0406** -to establish new procedures for examination review by applicants failing the examination.

**21 NCAC 58A .0503** -to state that salespersons who renew late will initially be placed on inactive license status, and to increase the renewal fee from thirty (\$30.00) dollars to thirty-five (\$35.00) dollars.

**21 NCAC 58A .0505** -to increase the renewal fee from thirty (\$30.00) dollars to thirty-five (\$35.00) dollars.

**21 NCAC 58A .0601** -to conform with the requirements of changes in GS 93A-3(d) and 93A-6(a).

**21 NCAC 58A .0615** -to adopt a new rule to require that settlement negotiations in contested cases be completed within a certain period of time prior to the hearing date.

**21 NCAC 58A .1402** -to delete the reference to claims for which the Commission has received no notice under G.S. 93A-17(a)(2).

**21 NCAC 58A .1703** -to clarify that any course taken by an inactive licensee within the current license period or the preceding license periods will count toward the maximum hours required to activate a license that has not been active since the preceding July 1.

**21 NCAC 58A .1708** -to delete paragraph (e) and clarify (a).

**21 NCAC 58B .0101** -to clarify the type of financial information applicants for time share project registration must furnish the Commission.

**21 NCAC 58B .0102** -to establish a graduated fee schedule for time share applicants and to allow the Commission to retain the application fee if a developer withdraws its application.

**21 NCAC 58C .0105** -to raise the standard expected of approved schools, other than private real estate schools, with regard to the performance of their students on the real estate license examination.

**21 NCAC 58C .0106** -to eliminate the requirement that approved schools other than private real estate schools obtain advance approval from the Commission for changes in program structuring, course content and course completion standards.

**21 NCAC 58C .0107** -to delete the requirement that schools other than private real estate schools include in any advertisement citing examination performance data the type of examination and a statement that the data was provided by the Commission.

**21 NCAC 58C .0108** -to require schools other than private real estate schools to submit, at the request of the

Commission, student evaluations of a course and instructor on a form prescribed by the Commission.

**21 NCAC 58C .0207** -to make it clear that the applicant for a private real estate school license is responsible for assuring that school facilities comply with applicable laws and regulations regarding safety, health and sanitation, and to require that school facilities have an overhead projector and a chalkboard, dry erase board, or similar writing surface.

**21 NCAC 58C .0213** -to comply with a recent amendment to G.S. 93A-36 eliminating the requirement to have a separate performance bond for branch locations of a private real estate school.

**21 NCAC 58C .0214** -to delete the requirement that private real estate schools include in any advertisement citing examination performance data the type of examination and a statement that the data was provided by the Commission.

**21 NCAC 58C .0217** -to delete the reference to "appraisal pre-licensing and pre-certification course" in paragraph (b).

**21 NCAC 58C .0218** -to raise the standard expected of approved schools, other than private real estate schools, with regard to the performance of their students on the real estate license examination.

**21 NCAC 58C .0220** -to adopt a new rule to require private real estate schools to submit, at the request of the Commission, student evaluations of a course and instruction on a form prescribed by the Commission.

**21 NCAC 58C .0302** -to establish the required program structure for real estate salesperson and broker pre-licensing education programs and to modify the prerequisite for enrollment in the broker education program.

**21 NCAC 58C .0304** -to clarify that approved schools may require a higher course passing grade for the purpose of certifying course completion to the Commission than for the purpose of granting college credit or continuing education units and to require that when students are allowed to make up a missed course examination or to retake a failed course examination, the examination used must be substantially different from the initial examination administered to the class.

**21 NCAC 58C .0305** -to increase the maximum classroom hours schools are permitted to conduct in any day and any seven-day period.

**21 NCAC 58C .0306** -to prescribe specific standards and procedures for approving textbooks and other instructional materials.

**21 NCAC 58C .0307** -to provide for the approval of prelicensing instructors separate from the licensing and approval of schools and to prescribe new criteria for the approval of such instructors.

**21 NCAC 58C .0310** -to provide that schools must retain on file copies of grade and attendance records for three (3) years rather than five (5) years.

**21 NCAC 58C .0312** -to require that when schools make exceptions to Commission rules to accommodate persons with disabilities that the accommodation made must be reasonably appropriate for the particular disability, that deviation from

the rules should be no greater than necessary to provide a reasonable accommodation, and that schools must notify the Commission in writing of the proposed accommodation prior to the start of the course in question.

**21 NCAC 58C .0601 -.0608** -to adopt new rules to provide for the approval of pre-licensing instructors separate from the licensing and approval of schools and to prescribe new criteria for the approval of such instructors.

**21 NCAC 58E .0102** -to permit course sponsors and instructors to make modifications to the update course in certain situations.

**21 NCAC 58E .0202** -to provide for a longer approval period for update course instructors.

**21 NCAC 58E .0204** -to provide for a longer approval period for update course instructors.

**21 NCAC 58E .0205** -to clarify that the Commission can deny or withdraw the approval of an update course instructor based on the fact that an instructor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction.

**21 NCAC 58E .0304** -to change the minimum required number of classroom hours for approval of an elective course from two (2) to four (4) and to provide more current and comprehensive criteria regarding applications for approval of "distance education" courses.

**21 NCAC 58E .0310** -to provide more current and comprehensive guidelines regarding the acceptability of delivery methods for "distance education" courses.

**21 NCAC 58E .0412** -to clarify that the Commission can deny or withdraw the approval of an elective course or sponsor based on the fact that an elective course instructor in the employ of a sponsor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction, and to clarify that the Commission can discipline a CE sponsor who collects money from licensees for a course but fails to provide the promised instruction.

**21 NCAC 58E .0515** -to require that when schools make exceptions to Commission rules to accommodate persons with disabilities, that the accommodation made must be reasonably appropriate for the particular disability, that deviation from the rules should be no greater than necessary to provide a reasonable accommodation, and that schools must notify the Commission in writing of the proposed accommodation prior to the start of the course in question.

**Comment Procedures:** Comments regarding the rules may be made orally or submitted in writing at the public hearing. Written comments not submitted at the hearing may be sent to or delivered to Janet B. Thoren, c/o North Carolina Real Estate Commission, PO Box 17100, Raleigh NC 27619-7100, so as to be received by January 14, 2000.

#### Fiscal Impact



State	Local	Sub. None
✓		21 NCAC 58A .0303
	✓	ALL OTHER RULES

## SUBCHAPTER 58A - REAL ESTATE BROKERS AND SALESMEN

### SECTION .0100 - GENERAL BROKERAGE

#### .0107 HANDLING AND ACCOUNTING OF FUNDS

(a) All monies received by a broker licensee acting in his or her fiduciary capacity shall be deposited in a trust or escrow account not later than three banking days following receipt of such monies except that earnest money deposits paid by means other than currency which are received on offers to purchase real estate and tenant security deposits paid by means other than currency which are received in connection with real estate leases shall be deposited in a trust or escrow account not later than three banking days following acceptance of such offer to purchase or lease; the date of acceptance of such offer to purchase or lease shall be set forth in the purchase or lease agreement. All monies received by a salesman salesperson shall be delivered immediately to the broker by whom he or she is employed.

(b) In the event monies received by a broker licensee while acting in a fiduciary capacity are deposited in a trust or escrow account which bears interest, such broker the broker having custody over such monies shall first secure from all parties having an interest in the monies written authorization for the deposit of such the monies in an interest-bearing account. Such authorization shall specify how and to whom the interest will be disbursed, and, if contained in an offer, contract, lease, or other transaction instrument, such authorization shall be set forth in a clear and conspicuous manner which shall distinguish it from other provisions of the instrument.

(c) Closing statements shall be furnished to the buyer and the seller in the transaction at the closing or not more than five days after closing.

(d) Trust or escrow accounts shall be so designated by the bank or savings and loan association in which the account is located, and all deposit tickets and checks drawn on said account as well as the monthly bank statement for the account shall bear the words "Trust Account" or "Escrow Account."

(e) A broker licensee shall maintain and retain records sufficient to identify the ownership of all funds belonging to others. Such records shall be sufficient to show proper deposit of such funds in a trust or escrow account and to verify the accuracy and proper use of his the trust or escrow accounts; account. The required records shall include including; but not be limited to:

- (1) bank statements; statements.
- (2) canceled checks which shall be referenced to the corresponding journal entry or check stub and to the corresponding sales transaction ledger sheet or for rental transactions, the corresponding property or owner ledger sheet; sheet. When a check is used to

disburse funds for more than one sales transaction, owner, or property, the check shall bear a notation identifying each sales transaction, owner, or property for which disbursement is made, including the amount disbursed for each, and the corresponding sales transaction, property, or owner ledger entries. When necessary, the check notation may refer to the required information recorded on a supplemental disbursement worksheet which shall be cross-referenced to the corresponding check.

- (3) deposit tickets tickets. For a sales transaction, the deposit ticket shall identify the property and the parties involved and a reference to the corresponding sales transaction ledger entry. For a rental transaction, the deposit ticket shall identify the remitter of the funds deposited, the tenant, and the corresponding property or owner ledger entry. When a single deposit ticket is used to deposit funds collected for more than one purpose, sales transaction, property owner, or property, the required information shall be recorded on the ticket for each purpose, sales transaction, owner, or property, or the ticket may refer to the same information recorded on a supplemental deposit worksheet which shall be cross-referenced to the corresponding deposit ticket, and, if necessary, a supplemental worksheet for each deposit ticket identifying the property and the parties to each transaction for which funds are deposited;

- (4) a separate ledger sheet for each sales transaction and for each property or owner of property managed by the broker identifying the property, the parties to the transaction, the amount, date, and purpose of the deposits and from whom received, the amount, date, check number, and purpose of disbursements and to whom paid, and the running balance of funds on deposit for the particular sales transaction or or, in a rental transaction, the particular property or owner of property; property.

- (5) a journal or check stubs identifying each transaction and showing in chronological sequence each deposit and disbursement of monies to and from the trust or escrow account, including the amount, date, and purpose of the deposits and from whom received, and the amount, date, check number, and purpose of disbursements and to whom paid. The journal or check stubs shall also identify the corresponding sales transaction ledger sheet and any corresponding supplemental worksheet, or for a rental transaction, the corresponding property or owner ledger sheet and any corresponding supplemental worksheet, and a running balance for all funds in the account; account.

- (6) copies of contracts, leases and management agreements; agreements.



- (7) closing statements and property management statements; and statements.
- (8) any other documents not otherwise described herein necessary and sufficient to verify and explain record entries.

~~A broker shall maintain records~~ Records of all receipts and disbursements of trust or escrow monies shall be maintained in such a manner as to create a clear audit trail from deposit tickets and canceled checks to check stubs or journals and to the ledger sheets. ~~A broker must reconcile ledger~~ Ledger sheets and his journals or check stubs must be reconciled to the trust or escrow account bank statements on a monthly basis. ~~A broker shall create~~ To be sufficient, records of trust or escrow monies must include a worksheet for each such monthly reconciliation ~~and retain it as part of his records, showing the ledger sheets, journals or check stubs, and bank statements to be in agreement and balance.~~

(f) All trust or escrow account records shall be made available for inspection by the Commission or its authorized representatives in accordance with Rule .0108 of this Section.

(g) In the event of a dispute between the seller and buyer or landlord and tenant over the return or forfeiture of any deposit other than a residential tenant security deposit held by a ~~broker, licensee,~~ the broker licensee shall retain said deposit in his a trust or escrow account until ~~he~~ the licensee has obtained a written release from the parties consenting to its disposition and or until disbursement is ordered by a court of competent jurisdiction. If it appears to a broker holding a disputed deposit that a party has abandoned his or her claim, the broker may disburse the money to the other claiming parties according to their written agreement provided that the broker first makes a reasonable effort to notify the party who has apparently abandoned his or her claim and provides that party with an opportunity to renew his or her claim to the disputed funds.

(h) A broker may transfer earnest money deposits in his or her possession collected in connection with a sales transaction from his or her trust account to the closing attorney or other settlement agent not more than ten days prior to the anticipated settlement date. ~~A broker or salesman licensee~~ shall not disburse prior to settlement any earnest money in his or her possession for any other purpose without the written consent of the parties.

(i) The funds of a property owner association, when collected, maintained or disbursed by a licensee licensee, of the Commission; are trust monies and shall be treated as such in the manner required by this Rule.

(j) ~~Every broker or salesman licensee~~ shall safeguard the money or property of others coming into his or her possession in a manner consistent with the requirements of the Real Estate License Law and the rules adopted by the Commission. A licensee shall not convert the money or property of others to his or her own use, apply such money or property to a purpose other than that for which it was paid or entrusted to him; him or her, or permit or assist any other person in the conversion or misapplication of such money or property.

(k) In addition to the records required by Paragraph (c) of

this Rule, a licensee acting as agent for the landlord of a residential property used for vacation rentals shall create and maintain a subsidiary ledger sheet for each property or owner of such properties onto which all funds collected and disbursed are identified in categories by purpose. On a monthly basis, the licensee shall reconcile the subsidiary ledger sheet to the corresponding property or property owner ledger sheet.

Authority G.S. 93A-3(c).

#### .0109 BROKERAGE FEES AND COMPENSATION

(a) A licensee shall not receive, either directly or indirectly, any commission, rebate or other valuable consideration of more than nominal value from a vendor or a supplier of goods and services for an expenditure made on behalf of his the licensee's principal in a real estate transaction without the written consent of the licensee's principal.

(b) A licensee shall not receive, either directly or indirectly, any commission, rebate or other valuable consideration of more than nominal value for services which ~~he~~ the licensee recommends, procures, or arranges relating to a real estate transaction for any party, without full disclosure to such party; provided, however, that nothing in this Rule shall be construed to permit a licensee to accept any fee, kickback or other valuable consideration that is prohibited by the Real Estate Settlement Procedures Act of 1974 (12 USC 2601 et. seq.) or any rules and regulations promulgated by the United States Department of Housing and Urban Development pursuant to such Act.

(c) The Commission shall not act as a board of arbitration and shall not compel parties to settle disputes concerning such matters as the rate of commissions, the division of commissions, pay of salesmen; salespersons, and similar matters.

(d) A licensee shall not undertake in any manner, any arrangement, contract, plan or other course of conduct, to compensate or share compensation with unlicensed persons or entities for any acts performed in North Carolina for which licensure by the Commission is required.

Authority G.S. 93A-3(c).

#### .0110 BROKER-IN-CHARGE

(a) Every real estate firm shall designate a broker to serve as the broker-in-charge at its principal office and a broker to serve as broker-in-charge at any branch office. No broker shall be broker-in-charge of more than one office or branch office. If a firm shares office space with one or more other firms, one broker may serve as broker-in-charge of each firm at that location. No office or branch office of a firm shall have more than one designated broker-in-charge. A broker practicing alone shall designate himself or herself as a broker-in-charge. Each broker-in-charge shall make written notification of his or her status as broker-in-charge to the Commission on a form prescribed by the Commission within 10 days following the broker's designation as broker-in-charge. The broker-in-charge shall assume the responsibility

at his or her office for:

- (1) the retention and display of current license renewal pocket cards by all brokers and salesmen salespersons employed at the office for which he or she is broker-in-charge; the proper display of licenses at such office in accordance with Rule .0101 of this Section; and assuring that each licensee employed at the office has complied with Rules .0503, .0504 and .0506 of this Subchapter;
  - (2) the proper notification to the Commission of any change of business address or trade name of the firm and the registration of any assumed business name adopted by the firm for its use;
  - (3) the proper conduct of advertising by or in the name of the firm at such office;
  - (4) the proper maintenance at such office of the trust or escrow account of the firm and the records pertaining thereto;
  - (5) the proper retention and maintenance of records relating to transactions conducted by or on behalf of the firm at such office, including those required to be retained pursuant to Rule .0108 of this Section;
  - (6) the proper supervision of salesmen salespersons associated with or engaged on behalf of the firm at such office in accordance with the requirements of Rule .0506 of this Subchapter; and
  - (7) the verification to the Commission of the experience of any salesman salesperson at such office who may be applying for licensure as a broker.
- (b) When used in this Rule, the term:
- (1) "Branch Office" means any office in addition to the principal office of a broker which is operated in connection with the broker's real estate business; and
  - (2) "Office" means any place of business where acts are performed for which a real estate license is required.
- (c) A broker-in-charge must continually maintain his or her license on active status.
- (d) Each broker-in-charge shall notify the Commission in writing of any change in his or her status as broker-in-charge within 10 days following the change. Upon written request of a salesman salesperson within five years after termination of his or her association with a broker-in-charge, the broker-in-charge shall provide the salesman salesperson, in a form pre-

scribed by the Commission, an accurate written statement regarding the number and type of properties listed, sold, bought, leased, or rented for others by the salesman salesperson while under the supervision of the broker-in-charge.

(e) A licensed real estate firm which demonstrates on a form prescribed by the Commission that it has qualified for licensure solely for the purpose of receiving compensation for brokerage services furnished by its principal broker through another firm, and that no person is affiliated with it other than its principal broker, shall not be required to designate a broker-in-charge.

(f) Every broker-in-charge shall complete the Commission's broker-in-charge course at least once every five years following the effective date of this Rule. Every broker designated as a broker-in-charge after the effective date of this Rule shall complete the Commission's broker-in-charge course within 90 days following designation and at least once every five years thereafter for so long as he or she remains broker-in-charge.

Authority G.S. 93A-2; 93A-3(c); 93A-4.

#### **.0113 REPORTING CRIMINAL CONVICTIONS**

Any broker or salesman salesperson who is convicted of any felony or misdemeanor or who has disciplinary action taken against him or her in connection with any other professional license shall file with the Commission a written report of such conviction within 60 days of the final judgment or final order in the case. A form for this report is available from the Commission.

Authority G.S. 93A-3(c); 93A-6(a); 93A-6(a)(10); 93A-6(b)(2).

#### **.0114 RESIDENTIAL PROPERTY DISCLOSURE STATEMENT**

(a) Every owner of real property subject to a transfer of the type contemplated by G.S. 47E-1, 47E-2, and 47E-3, shall complete the following residential property disclosure statement and furnish a copy of the complete statement to a purchaser in accordance with the requirements of G.S. 47E-4. The form shall bear the seal of the North Carolina Real Estate Commission and shall read as follows:

[N.C. REAL ESTATE COMMISSION SEAL]

### **STATE OF NORTH CAROLINA RESIDENTIAL PROPERTY DISCLOSURE STATEMENT**

#### **Instructions to Property Owners**

1. North Carolina General Statute 47E requires owners of residential real estate (single-family homes and buildings with up to four dwelling units) to furnish purchasers a property disclosure statement. This form is the only one approved for this purpose. A disclosure statement must be furnished in connection with the sale, exchange, option



and sale under a lease with option to purchase (unless the tenant is already occupying or intends to occupy the dwelling). A disclosure statement is not required for some transactions, including the first sale of a dwelling which has never been inhabited and transactions of residential property made pursuant to a lease with option to purchase where the lessee occupies or intends to occupy the dwelling. For a complete list of exemptions, see N.C.G.S. 47E-2.

2. You must check ☐ one of the boxes for each of the 20 questions on the reverse side of this form.
  - a. If you check "Yes" for any question, you must describe the problem or attach a report from an engineer, contractor, pest control operator or other expert or public agency describing it. If you attach a report, you will not be liable for any inaccurate or incomplete information contained in it so long as you were not grossly negligent in obtaining or transmitting the information.
  - b. If you check "No", you are stating that you have no actual knowledge of any problem. If you check "No" and you know there is a problem, you may be liable for making an intentional misstatement.
  - c. If you check "No Representation", you have no duty to disclose the conditions or characteristics of the property, even if you should have known of them.
  - \* If you check "Yes" or "No" and something happens to the property to make your Statement incorrect or inaccurate (for example, the roof begins to leak), you must promptly give the purchaser a corrected Statement or correct the problem.
3. If you are assisted in the sale of your property by a licensed real estate broker or ~~salesman~~ salesperson, you are still responsible for completing and delivering the Statement to the purchasers; and the broker or ~~salesman~~ salesperson must disclose any material facts about your property which they know or reasonably should know, regardless of your responses on the Statement.
4. You must give the completed Statement to the purchaser no later than the time the purchaser makes an offer to purchase your property. If you do not, the purchaser can, under certain conditions, cancel any resulting contract (See "**Note to Purchasers**" below). You should give the purchaser a copy of the Statement containing your signature and keep a copy signed by the purchaser for your records.

**Note to Purchasers**

If the owner does not give you a Residential Property Disclosure Statement by the time you make your offer to purchase the property, you may under certain conditions cancel any resulting contract and be entitled to a refund of any deposit monies you may have paid. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following your receipt of the Statement, or three calendar days following the date of the contract, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after settlement of the transaction or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

5. In the space below, type or print in ink the address of the property (sufficient to identify it) and your name. Then sign and date.



# PROPOSED RULES

Property Address: \_\_\_\_\_

Owner's Name(s): \_\_\_\_\_

Owner(s) acknowledge having examined this Statement before signing and that all information is true and correct as of the date signed.

Owner Signature: \_\_\_\_\_ Date \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date \_\_\_\_\_

Purchaser(s) acknowledge receipt of a copy of this disclosure statement; that they have examined it before signing; that they understand that this is not a warranty by owner or owner's agent; that it is not a substitute for any inspections they may wish to obtain; and that the representations are made by the owner and not the owner's agent(s) or subagent(s). Purchaser(s) are encouraged to obtain their own inspection from a licensed home inspector or other professional.

Purchaser Signature: \_\_\_\_\_ Date \_\_\_\_\_

Purchaser Signature: \_\_\_\_\_ Date \_\_\_\_\_

Property Address/Description: \_\_\_\_\_

[Note: In this form, "property" refers only to dwelling unit(s) and not sheds, detached garages or other buildings.]

**Regarding the property identified above, do you know of any problem (malfunction or defect) with any of the following:**

	Yes*	No	No Representation
1. FOUNDATION, SLAB, FIREPLACES/CHIMNEYS, FLOORS, WINDOWS (INCLUDING STORM WINDOWS AND SCREENS), DOORS, CEILINGS, INTERIOR AND EXTERIOR WALLS, ATTACHED GARAGE, PATIO, DECK OR OTHER STRUCTURAL COMPONENTS including any modifications to them? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Siding is <input type="checkbox"/> Masonry <input type="checkbox"/> Wood <input type="checkbox"/> Composition/Hardboard <input type="checkbox"/> Vinyl <input type="checkbox"/> Synthetic Stucco <input type="checkbox"/> Other _____ .....			<input type="checkbox"/>
b. Approximate age of structure? _____ .....			<input type="checkbox"/>
2. ROOF (leakage or other problem)? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Approximate age of roof covering? _____ .....			<input type="checkbox"/>
3. WATER SEEPAGE, LEAKAGE, DAMPNES OR STANDING WATER in the basement, crawl space or slab? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. ELECTRICAL SYSTEM (outlets, wiring, panel, switches, fixtures etc.)? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. PLUMBING SYSTEM (pipes, fixtures, water heater, etc.)? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. HEATING AND/OR AIR CONDITIONING? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Heat Source is: <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Baseboard <input type="checkbox"/> Other _____ .....			<input type="checkbox"/>
b. Cooling Source is: <input type="checkbox"/> Central Forced Air <input type="checkbox"/> Wall/Window Unit(s) <input type="checkbox"/> Other _____ .....			<input type="checkbox"/>
c. Fuel Source is: <input type="checkbox"/> Electricity <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane <input type="checkbox"/> Oil <input type="checkbox"/> Other _____ .....			<input type="checkbox"/>
7. WATER SUPPLY (including water quality, quantity and water pressure)? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PROPOSED RULES**

- a. Water supply is: ☐ City/County ☐ Community System ☐ Private Well  
☐ Other \_\_\_\_\_ ☐
- b. Water pipes are: ☐ Copper ☐ Galvanized ☐ Plastic ☐ Other \_\_\_\_\_  
☐ Unknown \_\_\_\_\_ ☐
8. SEWER AND/OR SEPTIC SYSTEM? \_\_\_\_\_ ☐ ☐ ☐
- a. Sewage disposal system is: ☐ Septic Tank ☐ Septic Tank with Pump  
☐ Community System ☐ Connected to City/County System  
☐ City/County System available ☐ Straight pipe (wastewater does not go into a septic or other sewer system [note: use of this type of system violates state law])  
☐ Other \_\_\_\_\_ ☐
9. BUILT-IN APPLIANCES (RANGE/OVEN, ATTACHED MICROWAVE, HOOD/FAN, DISHWASHER, DISPOSAL, etc.)? \_\_\_\_\_ ☐ ☐ ☐
10. ~~OTHER SYSTEMS AND FIXTURES: CENTRAL VACUUM, POOL, HOT TUB, SPA, ATTIC FAN, EXHAUST FAN, CEILING FAN, SUMP PUMP, IRRIGATION SYSTEM, TV CABLE WIRING OR SATELLITE DISH, OR OTHER SYSTEMS?~~ \_\_\_\_\_ ☐ ☐ ☐
11. ~~DRAINAGE, GRADING OR SOIL STABILITY OF LOT?~~ \_\_\_\_\_ ☐ ☐ ☐
12. ~~PRESENT INFESTATION, OR DAMAGE FROM PAST INFESTATION OF WOOD DESTROYING INSECTS OR ORGANISMS which has not been repaired?~~ \_\_\_\_\_ ☐ ☐ ☐

Also regarding the property identified above, including the lot, other improvements, and fixtures located thereon, do you know of any:

10. PROBLEMS WITH PRESENT INFESTATION, OR DAMAGE FROM PAST INFESTATION OF WOOD DESTROYING INSECTS OR ORGANISMS which has not been repaired? \_\_\_\_\_ ☐ ☐ ☐
11. PROBLEMS WITH DRAINAGE, GRADING OR SOIL STABILITY OF LOT? \_\_\_\_\_ ☐ ☐ ☐
12. OTHER SYSTEMS AND FIXTURES: CENTRAL VACUUM, POOL, HOT TUB, SPA, ATTIC FAN, EXHAUST FAN, CEILING FAN, SUMP PUMP, IRRIGATION SYSTEM, TV CABLE WIRING OR SATELLITE DISH, OR OTHER SYSTEMS? \_\_\_\_\_ ☐ ☐ ☐
13. ROOM ADDITIONS OR OTHER STRUCTURAL CHANGES ? \_\_\_\_\_ ☐ ☐ ☐
14. ENVIRONMENTAL HAZARDS (substances, materials or products) including asbestos, formaldehyde, radon gas, methane gas, lead-based paint, underground storage tank, or other hazardous or toxic material (whether buried or covered), contaminated soil or water, or other environmental contamination)? . . . . ☐ ☐ ☐
15. COMMERCIAL OR INDUSTRIAL NUISANCES (noise, odor, smoke, etc.) affecting the property? . . ☐ ☐ ☐
16. VIOLATIONS OF BUILDING CODES, ZONING ORDINANCES, RESTRICTIVE COVENANTS OR OTHER LAND-USE RESTRICTIONS? \_\_\_\_\_ ☐ ☐ ☐
- a. Is the property a lot in an unapproved subdivision? \_\_\_\_\_ ☐ ☐ ☐
17. UTILITY OR OTHER EASEMENTS, SHARED DRIVEWAYS, PARTY WALLS OR ENCROACHMENTS FROM OR ON ADJACENT PROPERTY? \_\_\_\_\_ ☐ ☐ ☐
18. LAWSUITS, FORECLOSURES, BANKRUPTCY, TENANCIES, JUDGMENTS, TAX LIENS, \_\_\_\_\_ ☐ ☐ ☐

PROPOSED ASSESSMENTS, MECHANICS' LIENS, MATERIALMENS' LIENS, OR NOTICE FROM ANY GOVERNMENTAL AGENCY that could affect title to the property? ..... ☐ ☐ ☐

19. OWNERS' ASSOCIATION OR "COMMON AREA" EXPENSES OR ASSESSMENTS? ..... ☐ ☐ ☐

20. FLOOD HAZARD or that the property is in a FEDERALLY-DESIGNATED FLOOD PLAIN? ..... ☐ ☐ ☐

21. FOR OCEANFRONT OR INLET PROPERTY, previous use of sandbags for erosion control on the property? ..... ☐ ☐ ☐

a. A sandbag erosion control structure was installed on \_\_\_\_\_ (date)

\* If you answered "Yes" to any of the above questions, please explain (Attach additional sheets, if necessary):

(b) The form described in Paragraph (a) of this Rule may be reproduced, but the form shall not be altered or amended in any way.

Authority G.S. 47E-4(b); 93A-3(c); 93A-6.

## SECTION .0300 - APPLICATION FOR LICENSE

### .0301 FORM

Persons An individual or business entity who wish wishes to file applications an application for a broker or salesman salesperson license shall make application on a form prescribed by the Commission and can obtain the required form upon request to the Commission. In general, the application form for an individual calls for information such as the applicant's name and address, the applicant's social security number, a recent passport-size photograph of the applicant, satisfactory proof of the applicant's identity, places of residence, education, prior real estate licenses, and such other information necessary to identify the applicant and determine his the applicant's qualifications and fitness for licensure. The application form for a business entity is described in Rule .0502 of this Subchapter.

Authority G.S. 93A-3(c); 93A-4(a),(b),(d); 150B-11.

### .0302 FILING AND FEES

(a) Completed applications must be received in the Commission's office or postmarked not later than the filing date established by the executive director for a scheduled examination and must be accompanied by the appropriate fee. A filing date shall be no more than 40 days prior to a scheduled examination. Once the application has been filed and processed, the application fee may not be refunded. All applications for a real estate license must be properly completed and must be submitted to the Commission's office accompanied by the appropriate application fee. Examination scheduling of qualified applicants who are required to pass the real estate licensing examination shall be accomplished in accordance with Rule .0401 of this Subchapter.

(b) The license application fee shall be thirty dollars (\$30.00). Applicants electing to take the licensing

examination by computer must pay, in addition to the license application fee, the examination fee charged by the Commission's authorized testing service. The following fees shall be charged:

(1) application for new broker license.....\$30.00;

(2) application for new salesman license.....\$30.00;

For the purposes of this Subsection, the term, broker, shall refer to both an individual and a business entity.

(c) An applicant shall update information provided in connection with an application or submit a newly completed application form without request by the Commission to assure that the information provided in the application is complete current and accurate. Failure to submit updated information prior to the issuance of a license may result in disciplinary action against a licensee in accordance with G.S. 93A-6(b)(1). In the event that the Commission requests an applicant to submit updated information or to provide additional information necessary to complete the application and the applicant fails to submit such information within 60 90 days following the Commission's request, the Commission shall cancel the applicant's application. An applicant whose license application has been canceled and who wishes to obtain a real estate license must start the licensing process over by submitting a written application to the Commission upon a prescribed form and paying all required fees.

Authority G.S. 93A-4(a),(d).

### .0303 PAYMENT OF APPLICATION FEES

Payment of application fees shall be made by certified check or money order payable to the North Carolina Real Estate Commission: Commission in the form and manner acceptable to the Commission. Once an application has been filed and processed, the application fee may not be refunded. Payment of fees for taking the license examination by computer shall be made directly to the Commission's authorized testing service



in the form and manner acceptable to the testing service.

Authority G.S. 93A-3(c); 93A-4(a),(d).

### .0304 EXPERIENCE QUALIFICATIONS FOR APPLICANTS

(a) A broker applicant applying on the basis of two years' full-time experience as a licensed salesman must demonstrate that his qualifying experience consisted of activities commonly performed by licensed salesmen when listing, selling, buying, leasing, or renting properties for others and that such experience was obtained while the salesman was properly licensed and under the active supervision of a broker-in-charge. The number and type of properties listed, sold, bought, leased or rented for others by the applicant during the period for which experience as a salesman is claimed must be reasonably consistent with the amount of experience claimed. The applicant has the burden of providing documentation of his qualifying experience as may be required by the Commission.

(b) Experience obtained by a salesman salesperson or broker applicant in violation of law or rule may not be recognized by the Commission as fulfilling the requirements for licensure: licensure when the applicant is requesting the Commission to waive the prescribed education requirement based wholly or in part on equivalent experience obtained by the applicant.

Authority G.S. 93A-3(c); 93A-4.

## SECTION .0400 - EXAMINATIONS

### .0401 TIME AND PLACE FOR EXAMINATIONS

(a) Examinations for broker's and salesman's licenses shall be scheduled at such times and places as determined by the executive director. Applicants shall be scheduled for examination based on the date of application filing in accordance with the Commission's published schedule of examination dates and application filing dates. Applicants shall be given written notice of when and where to appear for examination: Licensing examinations for applicants found by the Commission to be qualified for the examination shall be scheduled as follows:

- (1) An applicant who elects to take the licensing examination by computer shall be provided a notice of examination eligibility that shall be valid for a period of 90 days and for a single administration of the licensing examination. Upon receipt of a notice of examination eligibility from the Commission or from the Commission's authorized computer testing service, the applicant shall schedule the examination by contacting the testing service in accordance with procedures established by the testing service. The testing service will schedule applicants for examination at their choice of one of the Commission's established testing locations and will notify applicants of the time and place of their

examinations.

- (2) An applicant who elects to take the licensing examination by the paper and pencil method shall be scheduled for examination based on the date of application filing, the applicant's requested testing location and the Commission's published list of testing locations, schedule of examination dates and examination filing deadlines. For the purpose of meeting any examination filing deadline date, the completed application must be either received in the Commission's office or postmarked not later than the date in question. Applicants shall be given written notice of when and where to appear for examination.

(b) Except as provided in Paragraph (c) of this Rule, an applicant who has been scheduled for a particular examination date shall not be rescheduled for a later examination date without filing another application and fee unless a request to be rescheduled is made at least 15 days in advance of the scheduled examination date. A scheduled examination date may only be postponed until one of the next two following scheduled examination dates, even if the postponement is due to an excused absence. A request to postpone a scheduled examination date without filing another application and fee shall be granted only once unless the applicant satisfies the requirements for obtaining an excused absence stated in Paragraph (c) of this Rule. Scheduled examinations may be postponed as follows:

- (1) An examination for an applicant who has been scheduled for the computerized examination may be postponed provided the applicant makes the request for postponement directly to the Commission's authorized computer testing service in accordance with procedures established by the testing service. An applicant's computerized examination shall not be postponed beyond the 90 day period for which the applicant's notice of examination eligibility is valid.
- (2) An examination for an applicant who has been scheduled to take the examination by the paper and pencil method may be postponed provided the applicant makes the request for postponement directly to the Commission so that the request is received prior to the scheduled examination date. A scheduled examination date for a paper and pencil examination may only be postponed until one of the next two following scheduled examination dates.

A request to postpone a scheduled licensing examination without starting the licensing process over by filing another application and paying all required fees shall be granted only once unless the applicant satisfies the requirements for obtaining an excused absence stated in Paragraph (c) of this Rule.

(c) An applicant may be granted an excused absence from a scheduled examination if he the applicant provides evidence satisfactory to the Commission that his the absence was the direct result of an emergency situation or condition which was

beyond the applicant's control and which could not have been reasonably foreseen by the applicant. A request for an excused absence must be promptly made in writing and must be supported by appropriate documentation verifying the reason for the absence. The following restrictions shall also apply to requests for excused absences:

- (1) Requests for excused absences from a scheduled computerized examination must be submitted directly to the computer testing service in accordance with procedures established by the testing service. A request for an excused absence from a computerized examination shall be denied if the applicant cannot be rescheduled and examined prior to expiration of the applicant's 90 day period of examination eligibility.
- (2) Requests for excused absences from a scheduled paper and pencil examination must be submitted directly to the Commission. An applicant whose absence from a scheduled paper and pencil examination is excused may be rescheduled for one of the next two following scheduled examination dates. A request for an excused absence from a scheduled paper and pencil examination received more than 15 days after the examination date shall be denied unless the applicant was unable to file a timely request due to the same circumstances that prevented the applicant from taking the examination. An applicant shall be limited to three excused absences from a paper and pencil examination without filing another application and fee.

*Authority G.S. 93A-4(b),(d).*

**.0402 SUBJECT MATTER AND PASSING SCORES**

(a) ~~The salesman and broker real estate licensing examination shall test applicants on the following general subject areas:~~

- (1) real estate law;
- (2) real estate brokerage law and practices;
- (3) the real estate license law, Real Estate License Law, rules of the Commission, and the Commission's trust account guidelines;
- (4) real estate finance;
- (5) real estate valuation (appraisal);
- (6) real estate mathematics; and
- (7) related subject areas.

(b) ~~In order to pass the salesman or broker real estate licensing examination, an applicant must attain a score equal to at least 75 percent of the total point value for the questions on the examination: at least equal to the passing score established by the Commission in compliance with psychometric standards for establishing passing scores for occupational licensing examinations as set forth in the "Standards for Educational and Psychological Testing" jointly promulgated by the American Educational Research~~

Association, the American Psychological Association, and the National Council on Measurement in Education. Passing applicants will receive only a score of "pass"; however, failing applicants will be informed of their actual score. A passing examination score obtained by a license applicant shall be recognized as valid for a period of one year from the date of examination, during which time the applicant must fully satisfy any remaining requirements for licensure that were pending at the time of examination; provided that the running of the one-year period shall be tolled by issuance of a notice of hearing regarding the applicant's qualifications for licensure until a final agency decision is rendered pursuant to G.S. 150B-42. The application of an applicant with a passing examination score who fails to satisfy all remaining requirements for licensure within one year shall be canceled and the applicant shall be required to reapply and satisfy all requirements for licensure, including retaking and passing the license examination, in order to be eligible for licensure examination. The one-year examination recognition period shall not commence until a final agency decision is rendered pursuant to G.S. 150B-42 whenever any substantive issue regarding an applicant's honesty, truthfulness and integrity is under consideration by the Commission; provided that the failure of an applicant to provide requested information in connection with his or her application shall not delay the running of the one-year examination recognition period.

*Authority G.S. 93A-4(b),(d).*

**.0403 RE-APPLYING FOR EXAMINATION**

~~If an applicant fails to pass an examination or fails to appear for and take any examination for which he has been scheduled, he shall make written application to the Commission upon a prescribed form accompanied by the appropriate fee, if he wishes to obtain a real estate license:~~

(a) The license application of an individual found by the Commission to be qualified for the licensing examination shall be immediately canceled upon the occurrence of any of the following events:

- (1) the applicant fails to pass a licensing examination;
- (2) the applicant fails to appear for and take any examination for which the applicant has been scheduled without having the applicant's examination postponed or absence excused in accordance with Rule .0401(b) and (c) of this Section; or
- (3) the applicant allows the 90 day period of eligibility for examination by computer as provided for in Rule .0401(a) of this Section to expire without the applicant taking and passing the examination.

(b) An individual whose license application has been canceled and who wishes to obtain a real estate license must start the licensing process over by submitting a written application to the Commission upon a prescribed form and paying all required fees. Subsequent examinations shall be scheduled in accordance with Rule .0401 of this Section.



Authority G.S. 93A-4(b),(d).

#### **.0404 CHEATING AND RELATED MISCONDUCT**

Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any purpose with any person other than an examination supervisor during an examination. Applicants shall not disrupt the quiet and orderly administration of an examination in any manner. Violation of this Rule shall be grounds for dismissal from an examination, invalidation of examination scores, and denial of a real estate license, as well as for disciplinary action if the applicant is a licensed salesman: salesperson.

Authority G.S. 93A-4(d).

#### **.0406 EXAMINATION REVIEW**

(a) An applicant who fails an examination may review his the examination at such times and places as are scheduled by the executive director. A request to review an examination must be made not later than the request deadline date established by the executive director for a scheduled examination review date. Failure to request an appointment to review an examination by the request deadline date shall constitute a waiver of the right to review such examination: as provided in Paragraphs (b) and (c) of this Rule. Applicants who pass an examination may not review their the examination. Applicants who review their an examination may not be accompanied by any other person at a review session, nor may any other person review an examination on behalf of an applicant.

(b) An applicant who fails an examination taken by computer may review the examination on computer at the testing center immediately following completion of the examination and receipt of the applicant's examination results. An applicant eligible for examination review who fails to review the examination on computer at the testing center immediately following completion of the examination will be deemed to have waived the right to review the examination.

(b) (c) An applicant who fails an examination taken by the paper and pencil method may review the examination at such times and places as are scheduled by the Executive Director provided the applicant makes a request to review the examination not later than the request deadline date established by the Executive Director for a scheduled examination review date. Failure to request an appointment to review an examination by the request deadline date shall constitute a waiver of the right to review such examination. An applicant who has taken the examination by the paper and pencil method may be granted an excused absence from a scheduled examination review if he the applicant provides evidence satisfactory to the Commission that his the absence was the direct result of an emergency situation or condition which was beyond the applicant's control and which could not have been reasonably foreseen by the applicant: foreseen. A request for an excused absence must be promptly made in writing and must be supported by appropriate documentation

verifying the reason for the absence. A request for an excused absence received more than 15 days after the scheduled examination review will be denied unless the applicant was unable to file a timely request due to the same circumstances that prevented the applicant from attending the examination review. An applicant who fails to appear for a scheduled examination review and who does not obtain an excused absence in accordance with this Rule shall be deemed to have waived his the right to review his the examination.

Authority G.S. 93A-4(d).

### **SECTION .0500 - LICENSING**

#### **.0503 LICENSE RENEWAL; PENALTY FOR OPERATING WHILE LICENSE EXPIRED**

(a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on the 30th day of June following issuance. Any licensee desiring renewal of a license shall apply for renewal within 45 days prior to license expiration by submitting a renewal application on a form prescribed by the Commission and submitting with the application the required renewal fee of thirty thirty-five dollars (\$30.00): (\$35.00).

(b) Any person desiring to renew his or her license on active status shall, upon the second renewal of such license following initial licensure, and upon each subsequent renewal, have obtained all continuing education required by G.S. 93A-4A and Rule .1702 of the Subchapter.

(c) A person renewing a license on inactive status shall not be required to have obtained any continuing education in order to renew such license; however, in order to subsequently change his or her license from inactive status to active status, the licensee must satisfy the continuing education requirement prescribed in Rule .1703 of the Subchapter.

(d) Any person or firm which engages in the business of a real estate broker or salesman salesperson while his his, her, or its license is expired is subject to the penalties prescribed in G.S. 93A.

Authority G.S. 93A-3(c); 93A-4(c),(d); 93A-4A; 93A-6.

#### **.0505 REINSTATEMENT OF EXPIRED LICENSE, REVOKED, SURRENDERED OR SUSPENDED LICENSE**

(a) Licenses expired for not more than 12 months may be reinstated upon proper application and payment of the thirty thirty-five dollar (\$30.00) (\$35.00) renewal fee plus five dollar (\$5.00) late filing fee. In order to reinstate such license on active status, the applicant shall also present evidence satisfactory to the Commission of having obtained such continuing education as is required by Rule .1703 of this Subchapter to change an inactive license to active status. A person reinstating such a license on inactive status shall not be required to have obtained any continuing education in order to reinstate such license; however, in order to subsequently



change his or her reinstated license from inactive status to active status, the licensee must satisfy the continuing education requirement prescribed in Rule .1703 of this Subchapter, and be supervised by a broker-in-charge in compliance with the requirements of Rule .0506 of this Section.

(b) Reinstatement of licenses expired for more than 12 months may be considered upon proper application and payment of a thirty dollar (\$30.00) fee. Applicants must satisfy the Commission that they possess the current knowledge, skills and competence, as well as the truthfulness, honesty and integrity, necessary to function in the real estate business in a manner that protects and serves the public interest. To demonstrate current knowledge, skills and competence, the Commission may require such applicants to complete real estate education or pass the license examination or both.

(c) Reinstatement of a revoked license may be considered upon proper application and payment of a thirty dollar (\$30.00) fee. Applicants must satisfy the same requirements as those prescribed in Paragraph (b) of this Rule for reinstatement of licenses expired for more than 12 months.

(d) Reinstatement of a license surrendered under the provisions of G.S. 93A-6(c) may be considered upon termination of the period of surrender specified in the order approving the surrender and upon proper application and payment of a thirty dollar (\$30.00) fee. Applicants must satisfy the same requirements as those prescribed in Paragraph (b) of this Rule for reinstatement of licenses expired for more than 12 months.

(e) When a license is suspended by the Commission, the suspended license shall be restored at the end of the period of active suspension; however, in order for the license to be restored on active status, the licensee shall be required to also demonstrate that he has satisfied the continuing education requirement for license activation prescribed by Rule .1703 of this Subchapter and is supervised by a broker-in-charge in compliance with the requirements of Rule .0506 of this Section, if applicable.

*Authority G.S. 93A-3(c); 93A-4(c),(d); 93A-4A.*

## **SECTION .0600 - REAL ESTATE COMMISSION HEARINGS**

### **.0601 COMPLAINTS/INQUIRIES/MOTIONS/ OTHER PLEADINGS**

(a) There shall be no specific form required for complaints. To be sufficient, a complaint shall be in writing, identify the respondent licensee and shall reasonably apprise the Commission of the facts which form the basis of the complaint.

(b) When investigating a complaint, the scope of the Commission's investigation shall not be limited only to matters alleged in the complaint. In addition, a person making a complaint to the Commission may change his or her

complaint by submitting the changes to the Commission in writing.

(c) When a complaint is not verified by the person making the complaint, the Commission, through its legal counsel may consider the complaint on its own motion. When a complaint has not been submitted in conformity with this rule, the Commission's legal counsel may initiate an investigation if the available information is sufficient to create a reasonable suspicion that any licensee or other person or entity may have committed a violation of the provisions of the Real Estate License Law or the rules adopted by the Commission.

(d) There shall be no specific forms required for answers, motions, or other pleadings relating to contested cases before the Commission, except they shall be in writing. To be sufficient, the document must reasonably apprise the Commission of the matters it alleges or answers. To be considered by the Commission, every answer, motion, request or other pleading must be submitted to the Commission in writing or made during the hearing as a matter of record.

(e) ~~When the Commission, upon its own motion or upon the complaint of any person, commences~~ During the course of an investigation of a licensee, the Commission Commission, through its legal counsel or other staff, may send the licensee a Letter of Inquiry requesting the licensee to respond. The Letter of Inquiry, or attachments thereto, shall set forth the subject matter being investigated. Upon receipt of the Letter of Inquiry, the licensee shall respond to the Commission within 14 calendar days. Such response shall include a full and fair disclosure of all information requested. Licensees shall include with their written response copies of all documents requested by the Commission in the Letter of Inquiry.

(f) Hearings in contested cases before the Commission shall be conducted according to the provisions of Article 3A of Chapter 150B of the General Statutes of North Carolina.

(g) Persons who make complaints are not parties to contested cases, but may be witnesses.

*Authority G.S. 93A-3(d); 93A-6(a); 150B-38(h).*

### **.0615 SETTLEMENTS**

The Commission may consider disposing of any contested matter before it by consent order or upon stipulation of the respondent and the Commission's legal counsel. The Commission may approve or reject any proposal to dispose of a contested matter by consent or stipulation, however, any matter to which a respondent and the Commission's legal counsel have stipulated which is rejected by the Commission shall not thereafter bind the parties or the Commission. Except as may be otherwise allowed by the presiding officer, all proposals to dispose of a contested matter must be in written form and signed by the respondent not later than two days prior to the date set for the hearing of the matter, excluding any days during which the Commission's offices are closed.

Authority G.S. 93A-3(d); 93A-6(a); 150B-38(h).

## SECTION .1400 - REAL ESTATE RECOVERY FUND

### .1402 MULTIPLE CLAIMS

(a) If at any time the Commission has notice of more than one application or potential claim for payment from the Real Estate Recovery Fund arising out of the conduct of a single licensee, the Commission may, in its discretion, direct that all applications filed before a date determined by the Commission be consolidated for hearing and payment.

(b) When consolidation is appropriate, the Commission shall issue to the licensee and the applicants and potential claimants an Order of Consolidation setting forth the deadline for filing all applications to be consolidated. Upon the passing of the deadline, the Commission may, in its discretion, either extend the deadline or issue to the licensee and all applicants a notice of the time, date and place set for the hearing on the consolidated applications.

(c) ~~Claims for which the Commission has received no notice under G.S. 93A-17(a)(2) or for which no application has been filed prior to the deadline set forth in the Order of Consolidation shall not be considered by the Commission until after the completion of all proceedings relating to the consolidated applications and payment thereon.~~

Authority G.S. 93A-16(d); 93A-17; 93A-20.

## SECTION .1700 - MANDATORY CONTINUING EDUCATION

### .1703 CONTINUING EDUCATION FOR LICENSE ACTIVATION

(a) A broker or ~~salesman~~ salesperson requesting to change an inactive license to active status on or after the licensee's second license renewal following his or her initial licensure shall be required to demonstrate completion of continuing education as described in Paragraph (b) or (c) of this Rule, whichever is appropriate.

(b) If the inactive licensee's license has properly been on active status at any time since the preceding July 1, the licensee is considered to be current with regard to continuing education and no additional continuing education is required to activate the license.

(c) If the inactive licensee's license has not properly been on active status since the preceding July 1, the licensee must make up any deficiency in his or her continuing education record for the previous two license periods: period and fully satisfy the continuing education requirement for the current license period in order to activate the license. Any deficiency may be made up by completing, during the current license period or previous license period, approved continuing education elective courses; however, such courses will not be credited toward the continuing education requirement for the current license period. ~~In addition, if the licensee's deficiency included the mandatory update course for the immediate~~

~~preceding license period, the licensee must also complete, during the current license period, the mandatory update course for the current license period; however, such course shall be credited toward the continuing education requirement for the current license period. Regardless of the length of time a license has been on inactive status, the maximum amount of continuing education credit hours required to activate that license shall be 20 hours. When crediting elective courses for purposes of making up a continuing education deficiency, the maximum number of credit hours that will be awarded for any course is four hours. When evaluating a licensee's continuing education record to determine eligibility for active status, the licensee shall be deemed eligible for active status if the licensee has fully satisfied the continuing education requirement for the current license period and has taken any two additional continuing education courses since the beginning of the previous license period, even if the licensee had a continuing education deficiency prior to the beginning of the previous license period.~~

Authority G.S. 93A-3(c); 93A-4A.

### .1708 EQUIVALENT CREDIT

(a) A licensee may request that the Commission award continuing education credit for a course taken by the licensee that is not approved by the Commission, or for some other real estate education activity, by making such request on a form prescribed by the Commission and submitting a nonrefundable evaluation fee of thirty dollars (\$30.00) for each request for evaluation of a course or real estate education activity. In order for requests for equivalent credit to be considered and credits to be entered into a licensee's continuing education record prior to the June 30 license expiration date, such requests and all supporting documents must be received by the Commission on or before June 10 preceding expiration of the licensee's current license, with the exception that requests from instructors desiring equivalent credit for teaching Commission-approved continuing education courses must be received by June 30. Any equivalent continuing education credit awarded under this Rule shall be applied first to make up any continuing education deficiency for the previous two license periods and then to satisfy the continuing education requirement for the current license period; however, credit for an unapproved course or educational activity, other than teaching an approved elective course, that was completed during a previous license period may not be applied to a subsequent license period.

(b) The Commission may award continuing education elective credit for completion of an unapproved course which the Commission finds equivalent to the elective course component of the continuing education requirement set forth in Section .0300 of Subchapter 58E. Completion of an unapproved course may serve only to satisfy the elective requirement and cannot be substituted for completion of the mandatory update course.

(c) Real estate education activities, other than teaching a Commission-approved course, which may be eligible for



credit include, but are not limited to: developing a Commission-approved elective continuing education course, authorship of a published real estate textbook; and authorship of a scholarly article, on a topic acceptable for continuing education purposes, which has been published in a professional journal. The Commission may award continuing education elective credit for activities which the Commission finds equivalent to the elective course component of the continuing education requirement set forth in Section .0300 of Subchapter 58E. No activity other than teaching a Commission-developed mandatory update course shall be considered equivalent to completing the mandatory update course.

(d) The Commission may award credit for teaching the Commission-developed mandatory update course and for teaching an approved elective course. Credit for teaching an approved elective course shall be awarded only for teaching a course for the first time. Credit for teaching a Commission-developed mandatory update course may be awarded for each licensing period in which the instructor teaches the course. The amount of credit awarded to the instructor of an approved continuing education course shall be the same as the amount of credit earned by a licensee who completes the course. Licensees who are instructors of continuing education courses approved by the Commission shall not be subject to the thirty dollar (\$30.00) evaluation fee when applying for continuing education credit for teaching an approved course. No credit toward the continuing education requirement shall be awarded for teaching a real estate precursing course.

(e) No carry-over credit to a subsequent license period shall be awarded for taking an unapproved continuing education course or for any real estate education activity other than teaching an approved elective course.

(f) (e) A licensee completing a real estate appraisal precursing, precertification or continuing education course approved by the North Carolina Appraisal Board may obtain real estate continuing education elective credit for such course by submitting to the Commission a written request for equivalent continuing education elective credit accompanied by a nonrefundable processing fee of twenty dollars (\$20.00) and a copy of the certificate of course completion issued by the course sponsor for submission to the North Carolina Appraisal Board.

*Authority G.S. 93A-3(c); 93A-4A.*

## **SUBCHAPTER 58B - TIME SHARES**

### **SECTION .0100 - TIME SHARE PROJECT REGISTRATION**

#### **.0101 APPLICATION FOR REGISTRATION**

(a) Every application for time share project registration shall be filed at the Commission's office upon a form prescribed by the Commission. Every such application shall contain or have appended thereto:

- (1) information concerning the developer's title or right to use the real property on which the project is located, including a title opinion provided by an independent attorney performed within 30 days preceding the date of application;
- (2) information concerning owners of time shares at the project other than the developer;
- (3) a description of the improvements and amenities located at the project, including a description of the number and type of time share units;
- (4) a description of the time share estate to be sold or conveyed to purchasers;
- (5) information concerning the developer and his or her financial ability to develop the project; project (including the developer's most recent audited financial statement, any loan commitments for completion of the proposed time share project, a projected budget for the construction, marketing and operation of the time share project until control by purchasers is asserted, and details of any source of funding for the time share project other than consumer sales proceeds), and information concerning the marketing and managing entities and their relationship to the developer;
- (6) the developer's name and address, past real estate development experience and such other information necessary to determine the moral character of those selling and managing the project;
- (7) copies of all documents to be distributed to time share purchasers at the point of sale or immediately thereafter; and
- (8) such information as may be required by G.S. 93A-52.

The form shall also describe the standards for its proper completion and submission.

(b) In accordance with G.S. 93A-52, an application for time share registration shall be considered to be properly completed when it is wholly and accurately filled out and when all required documents are appended to it and appear to be in compliance with the provisions of the Time Share Act, and, where the project is a condominium, the Condominium Act or Unit Ownership Act.

(c) An entity which owns time shares at a time share project where there are one or more existing registered developers may also apply to the Commission for registration of its time shares, provided that the entity does not control a registered developer, is not controlled by a registered developer, and is not in common control of the project with a registered developer.

*Authority G.S. 47A; 47C; 93A-51; 93A-52(a).*

#### **.0102 REGISTRATION FEE**

(a) Every application for time share project registration must be accompanied by a certified check made payable to the North Carolina Real Estate Commission in the amount of one



thousand dollars (\$1,000). Commission. For the initial registration of any time share project, or for a subsequent registration of a time share project by a developer proposing to sell or develop time shares equivalent to at least 20 per cent of the original time share project, the fee is one thousand dollars (\$1,000). For a subsequent registration of a previously or presently registered time share project by a developer proposing to sell or develop time shares equivalent to less than 20 per cent of the original time share project, the fee is eight hundred dollars (\$800.00). For an initial or subsequent time share project consisting of a single family dwelling unit or a single dwelling unit in a multiple dwelling unit property and in which 10 or less time shares will be or have been created, the fee is six hundred dollars (\$600.00). For any time share registration by a homeowner association for the purpose of re-selling time shares in its own project which it has acquired in satisfaction of unpaid assessments by prior owners, the fee is four hundred dollars (\$400.00). Applications for registration not accompanied by the appropriate fee shall not be considered by the Commission. In the event a properly completed application filed with the Commission is denied for any reason, the amount of two hundred fifty dollars (\$250.00) shall be retained by the Commission from the application fee and the balance refunded to the applicant developer.

(b) Applications for registration not accompanied by the appropriate fee shall not be considered by the Commission.

(c) In the event a properly completed application filed with the Commission is denied for any reason, or if an incomplete application is denied by the Commission or abandoned by the developer prior to a final decision by the Commission, the amount of two hundred fifty dollars (\$250.00) shall be retained by the Commission from the application fee and the balance refunded to the applicant developer.

Authority G.S. 93A-51; 93A-52.

## SUBCHAPTER 58C - REAL ESTATE PRE-LICENSING EDUCATION

### .0105 WITHDRAWAL OR DENIAL OF APPROVAL

The Commission may deny or withdraw approval of any school upon finding that such school has:

- (1) refused or failed to comply with any of the provisions of Sections .0100 or .0300 of this Subchapter;
- (2) obtained or used, or attempted to obtain or use, in any manner or form, North Carolina real estate licensing examination questions; or
- (3) compiled a licensing examination performance record for any annual reporting period first-time examination candidates which is either below 50 70 percent passing or 15 or more percentage points below the performance record of all first-time examination candidates: for the previous annual reporting period.

Authority G.S. 93A-4(a),(d).

### .0106 PROGRAM CHANGES

Approved schools must obtain advance approval from the Commission for any changes to be made with respect to program structuring, course content, course completion standards, instructors, textbooks or locations where courses are to be conducted. Requests for approval of such changes must be in writing.

Authority G.S. 93A-4(a),(d).

### .0107 USE OF EXAMINATION PERFORMANCE DATA

An approved school ~~may utilize for advertising or promotional purposes utilizing~~ licensing examination performance data provided to the school by the Commission; provided that any disclosure of such data by the school ~~for advertising or promotional purposes must be accurate and must assure that the data is accurate and that the data:~~

- (1) ~~be is~~ limited to the annual examination performance data for the particular school and for all examination candidates in the state;
- (2) ~~include the type of examination; includes~~ the time period covered, the number of first-time candidates examined, and either the number or percentage of first-time candidates passing the examination; ~~and~~
- (3) ~~state that the disclosed data was provided by the Commission; and~~
- (4) (3) ~~be is~~ presented in a manner that is not misleading.

Authority G.S. 93A-4(a),(d).

### .0108 STUDENT EVALUATIONS OF INSTRUCTOR PERFORMANCE

Schools shall obtain and submit, at the request of the Commission, student evaluations of a course and instructor. The evaluations shall be completed by students on a form prescribed by the Commission and submitted by the school administrator within 15 days after completion of the course.

Authority G.S. 93A-4(a),(d).

## SECTION .0200 - PRIVATE REAL ESTATE SCHOOLS

### .0207 FACILITIES AND EQUIPMENT

(a) The applicant for a license to operate a private real estate school shall either own the school facilities or possess a lease or other agreement for the use of facilities for school purposes which will assure the availability of adequate facilities until the next June 30 following license issuance or renewal. If facilities are to be leased or rented, the applicant need not execute such lease or other agreement until notification is received that the school application has been approved; however, such lease or agreement must be executed and a copy provided to the Commission prior to issuance of a license.

(b) ~~All school facilities and equipment shall have been~~

found by appropriate local building, health and fire inspectors to be in compliance with all applicable local, state and federal laws and regulations regarding safety safety, health, and sanitation. Schools shall furnish the Commission with inspection reports from appropriate local building, health and fire inspectors upon request of the Commission.

(c) Classrooms shall be of sufficient size to accommodate comfortably all students enrolled in a course, shall have adequate light, heat, cooling and ventilation and shall be free of distractions which would disrupt class sessions.

(d) Classrooms shall contain, at a minimum, ~~a chalkboard~~ an overhead projector and student desks or worktables sufficient to accommodate all students enrolled in a course.

*Authority G.S. 93A-4(a),(d); 93A-33.*

#### **.0213 PERFORMANCE BOND**

An applicant for a private real estate school license shall execute, on a form prescribed by the Commission, a bond as required by G.S. 93A-36, and shall submit with the license application a copy of said executed bond. Upon approval of the bond by the Commission, the applicant shall file the bond with the clerk of superior court of the county in which the school or branch thereof school's administrative office is located, and shall provide evidence of such filing to the Commission prior to issuance of a license.

*Authority G.S. 93A-4(a),(d); 93A-33.*

#### **.0214 ADVERTISING AND RECRUITMENT ACTIVITIES**

(a) A school may utilize for advertising or promotional purposes promoting licensing examination performance data provided to the school by the Commission, provided that any disclosure of such data by the school must be assure that the data is accurate and must: that the data:

- (1) ~~be is~~ limited to the annual examination performance data for the particular school and for all examination candidates in the state;
- (2) ~~include the type of examination; includes~~ the time period covered, the number of first-time candidates examined, and either the number or percentage of first-time candidates passing the examination; and
- (3) ~~state that the disclosed data was provided by the Commission; and~~
- (4) (3) ~~be is~~ presented in a manner that is not misleading.

(b) Schools shall not make or publish, by way of advertising or otherwise, any false or misleading statement regarding employment opportunities which may be available as a result of successful completion of a course offered by that school or acquisition of a real estate license.

(c) Schools shall not use endorsements or recommendations of any person or organization, by way of advertising or otherwise, unless such person or organization has consented in writing to the use of the endorsement or recommendation and is not compensated for such use.

*Authority G.S. 93A-4(a),(d); 93A-33.*

#### **.0217 LICENSE RENEWAL AND FEES**

(a) Private real estate school licenses expire on the next June 30 following the date of issuance. In order to assure continuous licensure, applications for license renewal, accompanied by the prescribed renewal fee, should be filed with the Commission annually on or before June 1. Incomplete renewal applications not completed by July 1 shall be treated as original license applications.

(b) The license renewal fee shall be one hundred dollars (\$100.00) for each previously licensed school location and twenty dollars (\$20.00) for each real estate pre-licensing course and appraisal pre-licensing and pre-certification course for which the applicant requests continuing approval. The fee shall be paid by check payable to the North Carolina Real Estate Commission and is nonrefundable. If the applicant requests approval of additional courses for which approval was not granted in the previous year, the fee for such additional courses is forty dollars (\$40.00) per course.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-34(b); 93A-35(b).*

#### **.0218 LICENSING EXAM CONFIDENTIALITY: SCHOOL PERFORM./LICENSING**

(a) Schools shall not obtain or use, or attempt to obtain or use, in any manner or form, North Carolina real estate licensing examination questions.

(b) Schools must maintain a satisfactory performance record on the real estate licensing examinations: examination. A school performance record that is either below 50 percent passing or 15 or more percentage points below the performance record of all first-time examination candidates during any annual reporting period for first-time examination candidates which is below 70 percent passing for the previous annual reporting period shall be considered unsatisfactory under this Rule.

*Authority G.S. 93A-4(a),(d); 93A-33.*

#### **.0220 STUDENT EVALUATIONS OF INSTRUCTOR PERFORMANCE**

Schools shall obtain and submit, at the request of the Commission, student evaluations of a course and instructor. The evaluations shall be completed by students on a form prescribed by the Commission and submitted by the school administrator within 15 days after completion of the course.

*Authority G.S. 93A-4(a),(d); 93A-33.*

### **SECTION .0300 - PRE-LICENSING COURSES**

#### **.0302 PROGRAM STRUCTURING**

Real estate pre-licensing education programs must be structured as prescribed in G.S. 93A-4(a): shall include a salesperson course consisting of at least 67 classroom hours of



instruction and a broker course consisting of at least 60 classroom hours of instruction. Completion of the salesman salesperson course within the previous five three years or possession of a current salesman salesperson license must be a prerequisite for enrollment in the advanced broker courses: course.

Authority *G.S. 93A-4(a),(d); 93A-33.*

#### **.0304 COURSE COMPLETION STANDARDS**

(a) Academic standards for course completion must reasonably assure that students receiving a passing grade possess adequate knowledge and understanding of the subject areas prescribed for the course. A student's grade must be based solely on his or her performance on examinations and on graded homework and classwork assignments. In any course for which college credit or continuing education units (CEUs) may be awarded, the passing grade for the purpose of certifying course completion to the Commission must be the same as that grade which is considered passing for the purpose of awarding college or CEU credit.

(b) Course completion requirements must include a comprehensive final course examination which covers all prescribed subject areas and which accounts for at least 50 percent of a student's grade for the course. Final course examinations are subject to review and approval by the Commission. Take-home or open-book final course examinations are prohibited. Schools may, within 90 days of the course ending date, allow a student one opportunity to make up any missed course examination or to retake any failed course examination without repeating the course; course; however, any makeup examination must be comparable to the initial examination with regard to the number of questions and overall difficulty, and at least 75 percent of the questions in the makeup examination must be different from those used on the initial examination.

(c) The minimum attendance required for satisfactory course completion is 80 percent of all scheduled classroom hours for the course.

Authority *G.S. 93A-4(a),(d).*

#### **.0305 COURSE SCHEDULING**

(a) All courses must have fixed beginning and ending dates, and schools may not utilize a scheduling system that allows students to enroll late for a course and then complete their course work in a subsequently scheduled course. Late enrollment is permitted only if the enrolling student can satisfy the minimum attendance requirement set forth in Rule .0304(c) of this Section.

(b) Real estate pre-licensing courses may not have class meetings that exceed six classroom hours in any given day and +8 21 classroom hours in any given seven-day period. However, a school that conducts courses with class meetings that do not exceed a total of 15 classroom hours in any seven-day period may conduct individual class meetings of up to 7 1/2 hours in any given day. If a school desires to conduct a course

with class meetings that will be held on consecutive days and the course will also involve more than four classroom hours on any of the consecutive days or more than 12 classroom hours in any given seven-day period, the school must obtain advance approval of the course schedule from the Commission. To obtain approval of such a proposed course schedule, the school must demonstrate to the satisfaction of the Commission that the proposed schedule provides sufficient time for the required instruction to be provided by a combination of classroom instruction and out-of-class textbook reading and other assignments. To determine the acceptability of such a proposed course schedule, the Commission shall consider the instruction that is required for the course under Commission rules; the total number of scheduled classroom hours for the course; the length and frequency of proposed individual class meetings and the amount of out-of-class study time available to students.

(c) A classroom hour consists of 50 minutes of classroom instruction and ten minutes of break time. For any class meeting that exceeds 50 minutes in duration, breaks at the rate of ten minutes per hour must be scheduled and taken at reasonable times.

Authority *G.S. 93A-4(a),(d).*

#### **.0306 TEXTBOOKS**

(a) Each course must utilize a textbook or course materials which are approved by the Commission as well as any additional instructional materials which may be prescribed by the Commission for such course. Instructors shall make appropriate out-of-class reading assignments in the selected textbook and any additional prescribed instructional materials and shall actively encourage students to perform such reading assignments.

(b) A request for Commission approval of a proposed textbook or similar course materials must be submitted in writing to the Commission and accompanied by two copies of the proposed textbook or course materials. If the request is for approval of a new edition of a previously approved textbook, the request must also include a detailed list of all significant changes to the old edition and such list of changes should be referenced to specific pages in the manuscript for the new edition. Approval of a textbook or other course materials applies only to the edition reviewed by the Commission. Additional approval is required for each subsequent edition. Approval is for an indefinite period; however, such approval may be terminated by the Commission at any time upon determining that the approved edition no longer complies with the criteria for approval. The criteria for approval shall be as follows:

- (1) The textbook or materials must provide accurate, current and complete coverage of the subject matter required by the Commission for the course for which approval of the textbook or materials is sought, including coverage of unique North Carolina real estate related laws, rules and practices that are integrated into the basic coverage.

- (2) The information provided must be logically organized and grammatically correct.
- (3) The nature and depth of subject matter coverage must be consistent with the competency and instructional levels prescribed by the Commission for the course for which approval is sought.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-75(a).*

### **.0307 REAL ESTATE INSTRUCTORS**

(a) Except as indicated in Paragraph (b) of this Rule, all real estate pre-licensing courses must be taught by instructors who possess good moral character and either the minimum real estate education and experience qualifications listed in this Rule for each course or other qualifications that are found by the Commission to be equivalent to those listed: have been approved by the Commission in accordance with Section .0600 of this Subchapter. These qualification requirements must be met on a continuing basis. For a previously approved instructor, experience in teaching a North Carolina real estate pre-licensing course may be substituted for any required experience in real estate brokerage, real estate law practice, or mortgage lending when a school is seeking continued approval of the instructor to teach such course:

- (1) Fundamentals of Real Estate: A current North Carolina salesman or broker license a current continuing education record, 120 classroom hours of real estate education excluding company or franchise in-service sales training, and two years' full-time general real estate brokerage experience within the previous five years.
- (2) Real Estate Law: A license to practice law in North Carolina and either experience in closing at least ten real estate sales transactions within the previous three years or completion of a real estate practice course in law school.
- (3) Real Estate Finance: One year full-time experience within the previous three years as a mortgage loan officer specializing in first mortgage loans, or two years' full-time experience within the previous three years as a general loan officer with an institution which makes a substantial number of first mortgage loans, or a current North Carolina broker license a current continuing education record, and a minimum of five years' full-time general real estate brokerage experience within the previous seven years.
- (4) Real Estate Brokerage Operations: A current North Carolina broker license, a current continuing education record, 120 classroom hours of real estate education excluding company or franchise in-service sales training, and three years' full-time general real estate brokerage experience within the previous five years including at least one year as broker-owner, designated broker-in-charge or managing broker of a multi-agent real estate firm or office.

(b) Guest lecturers who do not possess the qualifications stated in Paragraph (a) of this Rule .0603 of this Subchapter may be utilized to teach collectively up to one-half one-third of any course, provided that no one individual guest lecturer may teach more than one-third one-fifth of any course, and provided further that each guest lecturer possesses experience directly related to the particular subject area he the guest lecturer is teaching.

(c) Instructors shall conduct courses in accordance with the Commission's rules and course syllabi. Instructors shall conduct themselves in a professional and courteous manner when performing their instructional duties and shall conduct their classes in a manner that demonstrates a mastery of the following basic teaching skills:

- (1) The ability to communicate effectively through speech, including the ability to speak clearly at an appropriate rate of speed and with appropriate voice inflection, grammar and vocabulary.
- (2) The ability to present an effective visual image to a class, including appropriate appearance and physical mannerisms.
- (3) The ability to present instruction in a thorough, accurate, logical, orderly and understandable manner, to utilize illustrative examples as appropriate, and to respond appropriately to questions from students.
- (4) The ability to effectively utilize varied instructional techniques in addition to straight lecture, such as class discussion, role playing or other techniques.
- (5) The ability to effectively utilize instructional aids, such as the overhead projector, to enhance learning.
- (6) The ability to maintain an appropriate learning environment and effective control of a class.
- (7) The ability to interact with adult students in a positive manner that encourages students to learn, that demonstrates an understanding of varied student backgrounds, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, agency or organization.

(d) Upon request of the Commission, a school must submit to the Commission a videotape(s) depicting an approved instructor designated by the Commission teaching portions of an approved course specified by the Commission. The videotape(s) must have been made within 12 months of the date of submission, must be in VHS format, must include a label identifying the instructor and dates of the videotaped instruction, and must have visual and sound quality sufficient to allow viewers to clearly see and hear the instructor.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.*

### **.0310 COURSE RECORDS**

(a) Schools must retain on file for five three years copies of all grade and attendance records and must make such records available to the Commission upon request.

(b) Schools must retain on file for two years a master copy



of each final course examination, and such file copy shall indicate the answer key, course title, course dates and name of instructor. Examination file copies shall be made available to the Commission upon request.

Authority G.S. 93A-4(a),(d); 93A-33; 93A-75(a).

### **.0312 EXCEPTION FOR PERSONS WITH DISABILITIES**

Schools may deviate from Commission rules concerning student attendance, course scheduling, instructional methods, instructional materials, facilities or similar matters as may be necessary in order for a school to comply with the Americans With Disabilities Act or other laws requiring such schools to accommodate persons with disabilities; provided that no deviations from Commission rules are permitted by this rule with regard to program structuring, course content, academic course completion standards, or instructors. When considering a request for special accommodation under the Americans With Disabilities Act or other similar laws, a school shall make a reasonable inquiry to determine that the person making the request is a qualified individual with a disability and that the requested accommodation is appropriate for the particular disability. A school providing a special accommodation for a student with a disability that requires the school to deviate from Commission rules shall notify the Commission in writing of the accommodation within ten days of the start of the course in which the student is enrolled: enrolled or, if the accommodation is requested after the start of the course, within ten days of the date the accommodation is first provided.

Authority G.S. 93A-3(c); 93A-34.

## **SECTION .0600 - PRE-LICENSING INSTRUCTORS**

### **.0601 PURPOSE AND APPLICABILITY**

This Section prescribes the criteria and procedures for Commission approval of instructors of real estate pre-licensing courses and also prescribes performance standards for approved pre-licensing instructors.

Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.

### **.0602 NATURE AND SCOPE OF INSTRUCTOR APPROVAL**

Approval of real estate pre-licensing course instructors shall be accomplished separate from the approval and licensure of schools to conduct real estate pre-licensing courses. Approval of a pre-licensing course instructor authorizes the instructor to teach both salesperson and broker pre-licensing courses at schools approved or licensed by the Commission to conduct such courses. An approved pre-licensing course instructor shall not independently conduct a pre-licensing course. An instructor must obtain written approval from the Commission prior to teaching a pre-licensing course for any school and

prior to representing to any school or other party that the instructor is approved or may be approved as a pre-licensing course instructor.

Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.

### **.0603 APPLICATION AND CRITERIA FOR ORIGINAL APPROVAL**

(a) An individual seeking original approval as a pre-licensing course instructor must make application on a form prescribed by the Commission. An applicant who is not a resident of North Carolina shall also file with the application a consent to service of process and pleadings. No application fee is required. All required information regarding the applicant's qualifications must be submitted.

(b) An instructor applicant shall demonstrate that he or she possesses the following qualifications or other qualifications found by the Commission to be equivalent to the following qualifications: A current North Carolina real estate broker license; three years active full-time experience in general real estate brokerage, including substantial experience in real estate sales, within the previous seven years; 120 classroom hours of real estate education excluding company or franchise in-service sales training; and 60 semester hours of college-level education at an institution accredited by a nationally recognized college accrediting body.

(c) In addition to the qualification requirements stated in Paragraph (b) of this Rule, an applicant shall also demonstrate completion of an instructor seminar prescribed by the Commission and shall submit a two-hour videotape which depicts the applicant teaching a real estate pre-licensing course topic and which demonstrates that the applicant possesses the basic teaching skills described in Rule .0604 of this Section. The videotape must comply with the requirements specified in Rule .0605(c) of this Section. An applicant who is a Commission-approved continuing education update course instructor under Subchapter E, Section .0200 of this Chapter or who holds the Distinguished Real Estate Instructor (DREI) designation granted by the Real Estate Educators Association or an equivalent real estate instructor certification shall be exempt from the requirement to demonstrate satisfactory teaching skills by submission of a videotape. An applicant who is qualified under Paragraph (b) of this Rule but who has not satisfied these additional requirements at the time of application shall be approved and granted a six-month grace period to complete these requirements. The approval of any instructor who is granted such six-month period to complete the requirements shall automatically expire on the last day of the period if the instructor has failed to fully satisfy his or her qualification deficiencies and the period has not been extended by the Commission. The Commission may in its discretion extend the six-month period for up to three additional months when the Commission requires more than 30 days to review and act on a submitted videotape, when the expiration date of the period occurs during a course being taught by the instructor, or when the Commission determines that such extension is otherwise warranted by exceptional

circumstances. An individual applying for instructor approval shall be allowed the authorized six-month period to satisfy the requirements stated in this Paragraph only once.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.*

#### **.0604 INSTRUCTOR PERFORMANCE**

(a) Instructors shall conduct courses in accordance with the Commission's rules and course syllabi. Instructors shall conduct themselves in a professional and courteous manner when performing their instructional duties and shall conduct their classes in a manner that demonstrates a thorough knowledge of the subject matter being taught and mastery of the following basic teaching skills:

- (1) The ability to communicate effectively through speech, including the ability to speak clearly at an appropriate rate of speed and with appropriate voice inflection, grammar and vocabulary.
- (2) The ability to present an effective visual image to a class, including appropriate appearance and physical mannerisms.
- (3) The ability to present instruction in a thorough, accurate, logical, orderly and understandable manner, to utilize illustrative examples as appropriate, and to respond appropriately to questions from students.
- (4) The ability to effectively utilize varied instructional techniques in addition to straight lecture, such as class discussion, role playing or other techniques.
- (5) The ability to effectively utilize instructional aids, such as an overhead projector, to enhance learning.
- (6) The ability to maintain an appropriate learning environment and effective control of a class.
- (7) The ability to interact with adult students in a positive manner that encourages students to learn, that demonstrates an understanding of varied student backgrounds, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, agency or organization.

(b) Instructors shall utilize pre-licensing course examinations that will assure compliance with the course completion standards prescribed in Rule .0304 of this Section. Instructors shall take appropriate steps to protect the security of course examinations and shall not allow students to retain copies of final course examinations.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.*

#### **.0605 REQUEST FOR EXAMINATIONS AND VIDEOTAPE**

(a) Upon request of the Commission, an instructor shall submit to the Commission copies of final course examinations, with answer keys, used in pre-licensing courses taught by the instructor.

(b) Upon request of the Commission, an instructor must submit to the Commission a videotape which depicts the

instructor teaching portions of a pre-licensing course specified by the Commission and which demonstrates that the instructor possesses the basic teaching skills described in Rule .0604 of this Section.

(c) Any videotape submitted to the Commission in connection with an instructor application or in response to a request from the Commission must be approximately two hours in length and must depict the instructor teaching either one continuous block of instruction on a single topic or two separate one-hour blocks of instruction on different topics. The videotape must have been made within 12 months of the date of submission, must be in VHS format, must be unedited, must include a label identifying the instructor and dates of the videotaped instruction, and must have visual and sound quality sufficient to allow viewers to clearly see and hear the instructor.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.*

#### **.0606 ANNUAL BROKER COURSE REPORT**

Each pre-licensing instructor shall submit to the Commission annually not later than July 15 a report, on a form prescribed by the Commission, listing for the previous July 1 - June 30 period each broker pre-licensing course taught by the instructor and providing student enrollment and completion information for each course and for the annual period. This report shall be submitted even if an instructor did not teach any broker pre-licensing course during the previous annual reporting period.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.*

#### **.0607 EXPIRATION AND RENEWAL OF APPROVAL**

Commission approval of pre-licensing instructors shall expire on the third December 31 following issuance of approval, except as otherwise provided in Rule .0603(c) of this Section. In order to assure continuous approval, approved instructors must file applications for renewal of approval on a form prescribed by the Commission on or before December 1 immediately preceding expiration of their approval. To qualify for renewal of approval, instructors must demonstrate that they continue to satisfy the criteria for original approval set forth in Rule .0603(b) of this Section and that they have attended, during the immediate preceding approval period, at least three separate real estate instructor educational programs of at least six hours each.

*Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.*

#### **.0608 DENIAL OR WITHDRAWAL OF APPROVAL**

(a) The Commission may deny or withdraw approval of any pre-licensing course instructor upon finding that:

- (1) The instructor or instructor applicant has failed to meet the criteria for approval described in Rule .0603 of this Section or the criteria for renewal of



approval described in Rule .0607 of this Section, or has refused or failed to comply with any other provisions of this Subchapter;

- (2) the instructor has made any false statements or presented any false information in connection with an application for approval or renewal of approval;
- (3) the instructor has failed to submit any report, course examination or videotape the instructor is required to submit to the Commission;
- (4) the instructor has provided false or incorrect information in connection with any report the instructor or a pre-licensing school is required to submit to the Commission;
- (5) the instructor has failed to demonstrate, during the teaching of pre-licensing courses, those effective teaching skills described in Rule .0604 of this Section;
- (6) the instructor has compiled a licensing examination performance record for first-time examination candidates which is below 70 percent passing for the previous annual reporting period; or
- (7) the instructor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction.

(b) If a licensee who is an approved pre-licensing course instructor engages in any dishonest, fraudulent or improper conduct in connection with the licensee's activities as an instructor, the licensee shall be subject to disciplinary action pursuant to G.S. 93A-6.

Authority G.S. 93A-4(a),(d); 93A-33; 93A-34.

## SUBCHAPTER 58E - REAL ESTATE CONTINUING EDUCATION

### SECTION .0100 - UPDATE COURSE

#### .0102 UPDATE COURSE COMPONENT

(a) To renew a license on active status, a real estate broker or salesman salesperson must complete, within one year preceding license expiration and in addition to satisfying the continuing education elective requirement described in Section .0302 of this Subchapter, a Commission-developed update course consisting of four classroom hours of instruction.

(b) The Commission shall develop annually an update course which shall be conducted by sponsors approved by the Commission under this Subchapter. The subject matter of this course shall be determined by the Commission, which shall produce instructor and student materials for use by course sponsors. The Commission shall prepare a completely new course for each one-year period beginning July 1 and ending the next June 30. Sponsors must acquire the Commission-developed course materials and utilize such materials to conduct the update course. The course must be conducted exactly as prescribed by the rules in this Subchapter and the course materials developed by the Commission. All course

materials that are developed by the Commission for use in an update course and that are subject to the protection of federal copyright laws are the property of the Commission. Violation of the Commission's copyright with regard to these materials shall be grounds for disciplinary action. Sponsors must provide licensees participating in their classes a copy of the student materials developed by the Commission. With advance approval from the Commission, course sponsors and instructors may make modifications to the update course when the update course is being promoted to and conducted for a group of licensees that specialize in a particular area of real estate brokerage, provided that the modifications relate to the same general subject matter as is addressed in the prescribed update course and the course as modified achieves the same educational objectives as the unmodified course.

(c) Approval of a sponsor to conduct an update course authorizes the sponsor to conduct the update course using an instructor who has been approved by the Commission as an update course instructor under Section .0200 of this Subchapter. The sponsor may conduct the update course at any location as frequently as is desired during the approval period, provided that no courses may be conducted between June 11 and June 30 of any approval period.

Authority G.S. 93A-3(c); 93A-4A.

### SECTION .0200 - UPDATE COURSE INSTRUCTORS

#### .0202 NATURE AND SCOPE OF APPROVAL

Approval of update course instructors shall be accomplished on a calendar-year basis separate from the approval of update course sponsors. Approval of an update course instructor authorizes the instructor to teach the update course for any approved update course sponsor; however, an approved update course instructor may not independently conduct an update course unless the instructor has also obtained approval as an update course sponsor. An instructor must obtain written approval from the Commission prior to teaching an update course and prior to representing to any sponsor or other party that he or she is approved or may be approved as an update course instructor.

Authority G.S. 93A-3(c); 93A-4A.

#### .0204 RENEWAL OF APPROVAL

Commission approval of update course instructors expires on the next third December 31 following issuance of approval. In order to assure continuous approval, approved instructors must file applications for renewal of approval on a form prescribed by the Commission on or before December 1 immediately preceding expiration of their approval. Applicants must satisfy the criteria for original approval, with the exception of the requirement stated in Rule .0203(d) of this Section, in order to renew their approval.

Authority G.S. 93A-3(c); 93A-4A.

**.0205 DENIAL OR WITHDRAWAL OF APPROVAL**

(a) The Commission may deny or withdraw approval of any update course instructor upon finding that:

- (1) The instructor has made any false statements or presented any false information in connection with an application for approval or renewal of approval;
- (2) The instructor has failed to meet the criteria for approval described in Rule .0203 of this Section or has refused or failed to comply with any other provisions of this Subchapter;
- (3) The instructor has failed to demonstrate, during the teaching of update courses, those effective teaching skills described in Rule .0509 of this Subchapter; or
- (4) The instructor has provided false or incorrect information in connection with any reports a course sponsor is required to submit to the Commission; or
- (5) The instructor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction.

(b) If a licensee who is an approved update course instructor engages in any dishonest, fraudulent or improper conduct in connection with the licensee's activities as an instructor, the licensee shall be subject to disciplinary action pursuant to G.S. 93A-6.

*Authority G.S. 93A-3(c); 93A-4A.*

**SECTION .0300 - ELECTIVE COURSES**

**.0304 CRITERIA FOR ELECTIVE COURSE APPROVAL**

(a) The following requirements must be satisfied in order to obtain approval of a proposed elective course:

- (1) The applicant must submit all information required by the Commission and pay the application fee, if applicable.
- (2) The applicant must satisfy the requirements of Section .0400 of this Subchapter relating to the qualifications or eligibility of course sponsors.
- (3) The subject matter of the course must satisfy the elective course subject matter requirements set forth in Rule .0305 of this Section and all information to be presented in the course must be current and accurate.
- (4) The course must involve a minimum of two ~~four~~ classroom hours of instruction on acceptable subject matter. A classroom hour consists of 50 minutes of instruction and 10 minutes of break time.
- (5) The applicant and the continuing education coordinator required by Rule .0405 of this Subchapter must be truthful, honest and of high integrity. In this regard, the Commission may consider the reputation and character of any owner, officer and director of any corporation, association or organization applying for sponsor approval.

(6) The proposed instructor(s) for the course must possess the qualifications described in Rule .0306 of this Section.

(7) The instructional delivery methods to be utilized in the course must either involve live instruction in a traditional classroom setting or comply with the requirements described in Rule .0310 of this Section.

(8) The applicant must submit an instructor guide that includes:

- (A) a detailed course outline,
- (B) the amount of time to be devoted to each major topic and to breaks,
- (C) the learning objective(s) for each major topic, and
- (D) the instructional methods and instructional aids that will be utilized in the course.

The proposed time allotments must be appropriate for the proposed subject matter to be taught. Unless the applicant can demonstrate that straight lecture is the most effective instructional method for the course, the instructor guide must provide for the use of an appropriate variety of instructional methods and instructional aids intended to enhance student attentiveness and learning. Examples of instructional methods and instructional aids that may be appropriate include, but are not limited to, class discussion, role-playing, in-class work assignments, overhead transparencies and videotape.

(9) The course must include handout materials for students unless the applicant can demonstrate that such materials are either inappropriate or unnecessary for the course. Such materials must be current, accurate, grammatically correct, logically organized and produced in a manner that reflects reasonable quality.

(10) Either the instructor guide or the student materials must describe, in narrative form, the details of the substantive information to be presented in the course. The substantive information to be presented must be provided in sufficient detail to demonstrate that the information is current, accurate, complete, and otherwise appropriate.

(11) If an applicant proposes to use copyrighted materials in the course, such materials must be used in a form approved by the copyright holder. If any copyrighted material is to be duplicated by the applicant for use in the course, the sponsor must have the specific permission of the copyright holder.

~~(12) Applicants requesting approval of a computer-based instructional program need not comply with the requirements stated in Items (8), (9) and (10) of this Rule; however, such applicants must submit a written course plan that includes a detailed course outline, the minimum amount of time required for a typical licensee to complete each lesson and the~~



entire course, and the learning objective(s) for each major topic. The minimum time prescribed for completion of each lesson and the entire course must be reasonable and appropriate for the proposed subject matter to be taught. Such applicants must also submit a complete copy of the instructional program on the medium that is to be utilized and must make available, at a date and time satisfactory to the Commission and at the sponsor's expense, all hardware and software necessary for the Commission to review the submitted instructional program. The information in the instructional program must be current, accurate, complete, grammatically correct and logically organized. The instructional program must also be produced in a manner that reflects reasonable quality and must comply with the requirements of Rule .0310 of this Section and any other applicable rules.

(b) Applicants requesting approval of distance education courses must also comply with the requirements described in Rule .0310 of this Section.

Authority G.S. 93A-3(c); 93A-4A.

### **.0310 DISTANCE EDUCATION COURSES**

The principal instructional delivery method utilized in elective courses must be one or more of the following:

- (1) Personal teaching by an instructor in a traditional classroom setting; or
- (2) Instruction through an interactive television system or comparable system which permits continuous audio and visual communication between the instructor and all students and which provides for appropriate monitoring and technical support at each site where the instructor or students are located; or
- (3) Instruction through an interactive computer-based instructional program which provides for control of student progress through the educational materials by testing to assure student mastery of the subject matter at the end of each lesson, monitoring of time devoted to each lesson by the computer with automatic program shutdown after an appropriate period of nonactivity by the student, and a monitoring system which assures that the student receiving continuing education credit for completing the program actually performed all the work required to complete the program.

The use of passive or non-interactive instructional delivery systems such as videotape, remote non-interactive television or similar systems may be employed only in a limited manner to enhance or supplement one of the acceptable instructional delivery methods previously described in this Rule. No portion of a course may consist of correspondence instruction.

(a) As used in this Chapter, the term "distance education" shall be understood to refer to educational programs in which instruction is accomplished through the use of media whereby teacher and student are separated by distance and sometimes

by time. An entity requesting approval of a distance education course must, in addition to satisfying all other requirements for elective course approval specified in this Section, demonstrate that the proposed distance education course satisfies the following criteria:

- (1) The course shall be designed to assure that students actively participate in the instructional process while completing the course by utilizing techniques that require substantial student interaction with the instructor, other students or a computer program. The course design must not permit students to merely sit passively and observe instruction or read instructional materials.
- (2) A course that does not provide the opportunity for continuous audio and visual communication between the instructor and all students during the course presentation shall utilize testing and remedial processes appropriate to assure student mastery of the subject material.
- (3) A course that involves students completing the course on a self-paced study basis shall be designed so that the time required for a student of average ability to complete the course will be at least four hours, and the sponsor shall utilize a system that assures that students have actually performed all tasks designed to assure student participation and mastery of the subject material. The number of equivalent classroom hours assigned by the course sponsor or developer to the course must be supported by appropriate studies or field tests, and the applicant must submit a description of such studies or field tests with the course application.
- (4) The proposed instructional delivery methods shall be appropriate to enable effective accomplishment of the proposed learning objectives and the scope and depth of the instructional materials must also be consistent with the proposed learning objectives.
- (5) The sponsor shall provide appropriate technical support to enable students to satisfactorily complete the course.
- (6) An instructor shall be reasonably available to respond in a timely manner to student questions about the subject matter of the course and to direct students to additional sources of information.
- (7) The sponsor shall provide students an orientation or information package which contains all information required by the Commission to be provided to students and all necessary information about the course, including but not limited to information about course fees and refund policies, course subject matter and learning objectives, procedures and requirements for satisfactory course completion, any special requirements with regard to computer hardware and software or other equipment, and instructor and technical support.
- (8) The sponsor shall utilize procedures that provide reasonable assurance that the student receiving

continuing education credit for completing the course actually performed all the work required to complete the course. For courses that involve independent study by students, such procedures must include, at a minimum, a direct contact with the student, initiated by the sponsor and directed to the student's home or business, using the telephone or electronic mail and a signed statement by the student certifying that he or she personally completed all course work. Signed student course completion statements and records of student contacts shall be retained by the sponsor along with all other course records the sponsor is required to maintain.

(b) An entity seeking approval of a computer-based distance education course must submit a complete copy of the course on the medium that is to be utilized and, if requested, must make available, at a date and time satisfactory to the Commission and at the sponsor's expense, all hardware and software necessary for the Commission to review the submitted course. In the case of an internet-based course, the Commission must be provided access to the course via the internet at a date and time satisfactory to the Commission and shall not be charged any fee for such access.

Authority G.S. 93A-3(c); 93A-4A.

#### **.0412 DENIAL OR WITHDRAWAL OF APPROVAL**

(a) The Commission may deny or withdraw approval of any course or course sponsor upon finding that:

- (1) the course sponsor has made any false statements or presented any false information in connection with an application for course or sponsor approval or renewal of such approval;
- (2) the course sponsor or any official or instructor in the employ of the course sponsor has refused or failed to comply with any of the provisions of this Subchapter;
- (3) the course sponsor or any official or instructor in the employ of the course sponsor has provided false or incorrect information in connection with any reports the course sponsor is required to submit to the Commission;
- (4) the course sponsor has engaged in a pattern of consistently canceling scheduled courses;
- (5) the course sponsor has provided to the Commission in payment for required fees a check which was dishonored by a bank;
- (6) an instructor in the employ of the course sponsor fails to conduct approved courses in a manner that demonstrates possession of the teaching skills described in Rule .0509 of this Subchapter; or
- (7) any court of competent jurisdiction has found the course sponsor or any official or instructor in the employ of the course sponsor to have violated, in

connection with the offering of continuing education courses, any applicable federal or state law or regulation prohibiting discrimination on the basis of disability, requiring places of public accommodation to be in compliance with prescribed accessibility standards, or requiring that courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities: disabilities;

- (8) the course sponsor or any official or instructor in the employ of the course sponsor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction; or
- (9) the course sponsor or any official or instructor in the employ of the course sponsor has collected money from licensees for a continuing education course, but refuses or fails to provide the promised instruction.

(h) If a licensee who is an approved course sponsor or an instructor in the employ of an approved course sponsor engages in any dishonest, fraudulent or improper conduct in connection with the licensee's activities as a course sponsor or instructor, the licensee shall be subject to disciplinary action pursuant to G.S. 93A-6.

Authority G.S. 93A-3(c); 93A-4A.

### **SECTION .0500 - COURSE OPERATIONAL REQUIREMENTS**

#### **.0515 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

Course sponsors may deviate from Commission rules concerning the conduct of continuing education courses, such as rules addressing classroom facilities, minimum class size and instructional methods, as may be necessary in order for the sponsor to comply with the Americans with Disabilities Act or other laws requiring such sponsors to accommodate persons with disabilities. When considering a request for special accommodation under the Americans With Disabilities Act or other similar laws, a sponsor shall make a reasonable inquiry to determine that the person making the request is a qualified individual with a disability and that the requested accommodation is appropriate for the particular disability. A sponsor providing a special accommodation for a licensee with a disability that requires the sponsor to deviate from Commission rules shall notify the Commission in writing of the accommodation at the time reports are submitted for the class session attended by the licensee.

Authority G.S. 93A-3(c); 93A-4A.



*The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.*

**TITLE 10 - DEPARTMENT OF HEALTH &  
HUMAN SERVICES**

**PROGRAM**

**Rule-making Agency:** *Social Services Commission*

**SECTION .0200 - MODIFIED CRISIS INTERVENTION  
PROGRAM**

**Rule Citation:** *10 NCAC 29C .0201-.0206*

**.0201 GROUPS COVERED**

**Effective Date:** *October 13, 1999*

(a) The rules in this Section set forth the regulations for the Modified Crisis Intervention Program that will be administered in the following counties that were impacted by Hurricane Floyd:

**Findings Reviewed and Approved by:** *Beecher R. Gray*

- (1) Beaufort
- (2) Bertie
- (3) Bladen
- (4) Brunswick
- (5) Camden
- (6) Carteret
- (7) Chowan
- (8) Columbus
- (9) Craven
- (10) Cumberland
- (11) Currituck
- (12) Dare
- (13) Duplin
- (14) Edgecombe
- (15) Franklin
- (16) Gates
- (17) Greene
- (18) Halifax
- (19) Harnett
- (20) Hertford
- (21) Hoke
- (22) Hyde
- (23) Johnston
- (24) Jones
- (25) Lenior
- (26) Martin
- (27) Nash
- (28) New Hanover
- (29) Northampton
- (30) Onslow
- (31) Pamlico
- (32) Pasquotank
- (33) Pender
- (34) Perquimans
- (35) Pitt
- (36) Robeson
- (37) Sampson
- (38) Tyrrell
- (39) Warren
- (40) Washington
- (41) Wilson

**Authority for the rule-making:** *G.S. 108A-25; 143B-153*

**Reason for Proposed Action:** *On September 30, 1999, the President authorized the release of \$20,298,765 in emergency contingency funds to North Carolina to assist the elderly, the disabled and low-income families experiencing an energy crisis because of damage and flooding due to Hurricane Floyd. To ensure immediate release of the emergency funds and the ability to effectively assist those effected by the hurricane, the Division of Social Services proposes to temporarily add a new section to 10 NCAC 29C. The new section will establish a Modified Crisis Intervention Program in the designated counties. The designated counties are: Pitt, Lenoir, Edgecombe, Nash, Wayne, Beaufort, Pender, Brunswick, New Hanover, Duplin, Halifax, Craven, Wilson, Columbus, Onslow, Martin, Sampson, Bertie, Hertford, Cumberland, Johnston, Greene, Robeson, Pasquotank, Carteret, Jones, Bladen, Harnett, Northampton, Dare, Hyde, Franklin, Currituck, Perquimans, Warren, Pamlico, Gates, Chowan, Hoke, Camden, Tyrell, Washington. The proposed temporary rules will expire on June 30, 2000. The immediate implementation of the proposed temporary rules will allow the designated county departments of social services to provide additional financial assistance to the elderly, the disabled and low income families experiencing energy crisis due to the damage and flooding caused by the hurricane. These emergency funds will provide some relief to county departments of social services and other community organization budgets.*

**Comment Procedures:** *Anyone wishing to comment should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, Suite 819, 2401 Mail Service Center, Raleigh, NC 27699-2401, phone 919-733-3055, fax 919-733-9386.*

**CHAPTER 29 - INCOME MAINTENANCE: GENERAL**

**SUBCHAPTER 29C - CRISIS INTERVENTION**

**(42) Wayne**

The rules in Section .0100 of 10 NCAC 29C set forth the regulations for the remainder of the counties in the State.

(b) "Residence" means a household residing in the counties designated in Paragraph (a) of this Rule.

*History Note: Authority G.S. 108A-25; 143B-153;*

*Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000.*

**.0202 ELIGIBILITY REQUIREMENTS**

A household must meet the following requirements to be eligible for the Modified Crisis Intervention Program:

- (1) Income: A household must have income at or below 110 percent of the current non-farm poverty income guidelines. The Rule 10 NCAC 29B .0103 will govern the definition and computation of income.
- (2) Crisis: A household is in crisis if the household:
  - (a) Is experiencing a heating or cooling related emergency as defined in 10 NCAC 29C .0102.
  - (b) Is in need of repairs of its residence to ensure the household's ability to heat or cool its residence.
  - (c) Needs heating or cooling equipment repaired or replaced in order to be able to heat or cool its residence.
- (3) Citizenship: Individuals who are illegal aliens are not eligible for the Modified Crisis Intervention Program.

*History Note: Authority G.S. 108A-25; 143B-153;*

*Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000.*

**.0203 BENEFIT LEVELS**

Payments may vary based upon the severity of the crisis and the services needed. The maximum payment to a household is as follows:

- (1) Utility Payments: Maximum payment of two hundred dollars (\$200.00) per application not to exceed six hundred dollars (\$600.00) over the state fiscal year.
- (2) Temporary Shelter: Maximum of four hundred dollars (\$400.00) per month with a three month maximum over the state fiscal year.
- (3) Home Repair/Appliance Replacement or Repair: Maximum of two thousand five hundred dollars (\$2,500) over the state fiscal year.
- (4) Miscellaneous: Maximum of two hundred dollars (\$200.00) over the state fiscal year.

*History Note: Authority G.S. 108A-25; 143B-153;*

*Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000.*

**.0204 METHOD OF PAYMENT**

Methods of payment include direct payments to recipients, fuel payments on behalf of recipients, provision of in-kind services or temporary shelter and minor home repairs. The maximum direct payment to recipients is two hundred dollars (\$200.00).

*History Note: Authority G.S. 108A-25; 143B-153;*

*Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000.*

**.0205 OVERPAYMENTS AND SUSPECTED FRAUD**

The rules in 10 NCAC 49B .0606 and 10 NCAC 49B .0608 govern overpayments and suspected fraud.

*History Note: Authority G.S. 108A-25; 143B-153;*

*Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000.*

**.0206 APPEALS**

The rules in 10 NCAC 29B .0108 govern appeals.

*History Note: Authority G.S. 108A-25; 143B-153;*

*Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000.*

\*\*\*\*\*

**Rule-making Agency:** Secretary of the Department of Health and Human Services

**Rule Citation:** 10 NCAC 42B .1201, .1212 - .1213, .2406, .2601; 42C .2013 - .2015, .4001; 42D .1301, .1303 - .1304, .1407, .1413 - .1414, .1416, .1831, .2301

**Effective Date:** 10 NCAC 42B .2601; 42C .4001; 42D .2301 - November 30, 1999

10 NCAC 42B .1212 - December 1, 1999

10 NCAC 42B .1201, .1213, .2406; 42C .2013 - .2015; 42D .1301, .1303 - .1304, .1407, .1413 - .1414, .1416, .1831 - January 1, 2000

**Findings Reviewed and Approved by:** Julian Mann

**Authority for the rule-making:** G.S. 131D-2; 131D-4.5; 131E-256; 143B-165;

**Reason for Proposed Action:** Senate Bill 10 (S.L. 0334), resulting from the Department of Health and Human Services' Long Term Care Safety Initiative, mandates temporary rulemaking to address medication administration, staffing, staff qualifications, supervision of staff, and other areas that impact the health, safety and welfare of residents.

**Comment Procedures:** Written comments may be submitted to Doug Barrick, Division of Facility Services, Group Care



Licensure Section, 2708 Mail Service Center, Raleigh, NC 27699-2708.

## CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

### SUBCHAPTER 42B - LICENSING OF HOMES FOR DEVELOPMENTALLY DISABLED ADULTS

#### SECTION .1200 - PERSONNEL

##### .1201 PERSONNEL REQUIREMENTS

The qualifications of administrator, co-administrator, supervisor-in-charge, manager, and co-manager are as follows:

- (1) shall be an adult;
- (2) shall be a high school graduate or certified under the G.E.D. Program (applies to those employed on or after August 1, 1991);
- (3) shall be in good physical, mental and emotional health (DSS-1864);
- (4) shall provide written documentation about convictions of criminal offenses from the clerk of court in the county in which the conviction was made, and about any driving offenses other than minor traffic violations from the motor vehicles office;
- (5) shall earn 12 hours a year of continuing education credits related to the management of homes and training of developmentally disabled adults.

*History Note:* Authority G.S. 131D-2; 131D-4.5; 143B-153; 168-1; 168-9; S.L. 99-0334;

*Eff. January 1, 1978;*

*Amended Eff. July 1, 1990; September 1, 1987;*

*ARRC Objection Lodged January 1, 1991;*

*Amended Eff. August 1, 1991;*

*Temporary Amendment Eff. December 1, 1999;*

*Temporary Amendment Eff. January 1, 2000.*

##### .1212 CERTIFICATION OF ADMINISTRATOR

Rule 10 NCAC 42D .1412 shall control for this Subchapter.

*History Note:* Authority G.S. 131D-2; 90-288; 143B-165; S.L. 99-0334; S.L. 99-0443;

*Temporary Adoption Eff. December 1, 1999;*

*Temporary Repeal Eff. December 1, 1999.*

##### .1213 QUALIFICATIONS OF MEDICATION AIDES AND THEIR SUPERVISORS

(a) Effective January 1, February 15, 2000, staff who administer medications, hereafter referred to as medication aides, and staff who directly supervise the administration of medications shall have documentation of successfully completing the clinical skills validation portion of the competency evaluation according to Paragraph (d) and (e) of Rule .1214 of this Section prior to the administration or supervision of the administration of medications. Medication

aides shall also meet the staff training and competency requirements according to Rule .1210 of this Section. Persons authorized by state occupational licensure laws to administer medications are exempt from this requirement.

(b) Effective July 1, 2000, medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall ~~have~~ successfully passed pass the written examination and within 90 days after successful completion of the clinical skills validation portion of a competency evaluation according to Rule .1214 of this Section. ~~Section prior to administration or supervision of the administration of medications.~~ Medication aides shall also meet the staff training and competency requirements according to Rule .1210 of this Section.

(c) Medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall complete eight hours of state approved continuing education annually in medication administration.

(d) Effective July 1, 2000, persons taking the competency evaluation for medication administration shall be a high school graduate or certified under the G.E.D. program or shall have passed an alternative examination established by the Department.

(e) Training and competency validation of any unlicensed person who is to administer insulin shall be according to Rule .2404 of this Subchapter. Effective January 1, 2000, the training shall also be required for any unlicensed person who is to administer insulin.

*History Note:* Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;

*Temporary Adoption Eff. December 1, 1999;*

*Temporary Amendment Eff. January 1, 2000.*

#### SECTION .2400 - MISCELLANEOUS RULES

##### .2406 HEALTH CARE PERSONNEL REGISTRY

The facility shall comply with General Statute 131E-256 and supporting 10 NCAC 3B .1001 and .1002.

*History Note:* Authority G.S. 131D-2; 131D-4.5; 131E-256; 143B-165; S.L. 99-0334;

*Temporary Adoption Eff. January 1, 2000.*

#### SECTION .2600 - EFFECTIVE DATE OF TEMPORARY RULES

##### .2601 CHANGE OF EFFECTIVE DATE OF TEMPORARY RULES

The effective date of temporary Rules .1213, .1214, .1407, .1707, .1803, .2501, .2502, and .2503 of this Subchapter is changed to January 1, 2000.

*History Note:* Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;

*Temporary Adoption Eff. November 30, 1999.*

**SUBCHAPTER 42C - LICENSING OF FAMILY  
CARE HOMES**

**SECTION .2000 - PERSONNEL**

**.2013 QUALIFICATIONS OF MEDICATION AIDES  
AND THEIR SUPERVISORS**

(a) Effective ~~January 1, February 15, 2000~~, staff who administer medications, hereafter referred to as medication aides, and staff who directly supervise the administration of medications shall have documentation of successfully completing the clinical skills validation portion of the competency evaluation according to Paragraph (d) and (e) of Rule .2014 of this Section prior to the administration or supervision of the administration of medications. Medication aides shall also meet the staff training and competency requirements according to Rule 42C .2011 of this Section. Persons authorized by state occupational licensure laws to administer medications are exempt from this requirement.

(b) Effective July 1, 2000, medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall have successfully passed pass the written examination and within 90 days after successful completion of the clinical skills validation portion of a competency evaluation according to Rule .2014 of this Section. ~~Section prior to administration or supervision of the administration of medication.~~ Medication aides shall also meet the staff training and competency requirements according to Rule .2011 of this Section.

(c) Medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall complete eight hours of state approved continuing education annually in medication administration.

(d) Effective July 1, 2000, persons taking the competency evaluation for medication administration shall be a high school graduate or certified under the GED program or shall have passed an alternative examination established by the Department.

(e) Training and competency validation of any unlicensed person who is to administer insulin shall be according to Rule .3703 of this Subchapter. Effective January 1, 2000, the training shall also be required for any unlicensed person who is to administer insulin.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;*

*Temporary Adoption Eff. December 1, 1999;*

*Temporary Amendment Eff. January 1, 2000.*

**.2014 MEDICATION ADMINISTRATION  
COMPETENCY EVALUATION**

(a) The competency evaluation for medication administration shall be conducted according to guidelines

established by the Department and shall consist of a written examination and a clinical skills evaluation. The guidelines will be available at no charge by contacting the Division of Facility Services, Group Care Licensure Section, 2708 Mail Service Center, Raleigh, NC 27699-2708.

(b) An individual shall score at least 90% on the written examination which shall be a standardized examination established by the Department. ~~After July 1, 2000, the clinical skills portion of the competency validation shall only be conducted after the written exam has been successfully completed~~

(c) A certificate of successful completion of the written examination shall be issued to each participant successfully completing the examination. A copy of the certificate shall be maintained and available for review in the facility. The certificate is transferable from one facility to another as proof of successful completion of the written examination.

(d) The clinical skills validation portion of the competency evaluation shall be conducted by a registered nurse or a registered pharmacist consistent with their occupational licensing laws and who has a current unencumbered license in North Carolina. This validation shall be completed for those medication administration tasks to be performed in the facility. Competency validation by a registered nurse is required for unlicensed staff who perform any of the personal care tasks related to medication administration specified in 10 NCAC 42C .3703.

(e) The Medication Administration Skills Validation Form shall be used to document successful completion of the clinical skills validation portion of the competency evaluation for those medication administration tasks to be performed in the facility employing the medication aide. Copies of this form may be obtained at no cost by contacting the Group Care Licensure Section, Division of Facility Services, 2708 Mail Service Center, Raleigh, NC 27699-2708. The completed form shall be maintained and available for review in the facility and is not transferable from one facility to another.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;*

*Temporary Adoption Eff. December 1, 1999;*

*Temporary Amendment Eff. January 1, 2000.*

**.2015 HEALTH CARE PERSONNEL REGISTRY**

The facility shall comply with G.S. 131E-256 and supporting 10 NCAC 3B .1001 and .1002.

*History Note: Authority G.S. 131D-2; 131D-4.5; 131E-256; 143B-165; S.L. 99-0334;*

*Temporary Adoption Eff. January 1, 2000.*

**SECTION .4000 - EFFECTIVE DATE ON  
TEMPORARY RULES**

**.4001 CHANGE OF EFFECTIVE DATE OF  
TEMPORARY RULES**



The effective date of temporary Rules .2005, .2011, .2012, .2207, .2214, .2302, .2501, .2505, .2506, .2703, .3401, .3402, .3701, .3703, .3801-.3810, .3901-.3903 of this Subchapter is changed to January 1, 2000.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;*

*Temporary Adoption Eff. November 30, 1999.*

## SUBCHAPTER 42D - LICENSING OF HOMES FOR THE AGED AND INFIRM

### SECTION .1300 - MANAGEMENT

#### .1301 MANAGEMENT OF FACILITIES WITH A CAPACITY OR CENSUS OF SEVEN TO THIRTY RESIDENTS

(a) The requirements in Paragraphs (a) and (c) of Rule 10 NCAC 42C .1901 shall control for this Subchapter for facilities with a capacity or census of 7 to 20 30 residents.

(b) At all times there must be one administrator or supervisor-in-charge who is directly responsible for assuring that all required duties are carried out in the home and for assuring that at no time is a resident left alone in the home without a staff member. In addition to the requirements in 10 NCAC 42C .1901(a) and (c), one of the following arrangements must be used to manage a home for the aged and disabled: facility with a capacity of seven to 30 residents:

- (1) The administrator lives is in the home; home or resides within 500 feet of the home and is immediately available. To be immediately available, the administrator must be on stand-by and have direct access to either a two-way intercom system or a two-way intercom line on the existing telephone system that connects the licensed home with the private residence of the administrator. The equipment installed must be in working condition and must be located in the bedroom of the administrator; or
- (2) The administrator employs a supervisor-in-charge to live is in the home or resides within 500 feet of the home and be is immediately available. The conditions of being "immediately available" cited in Subparagraph (b)(1) of this Rule shall apply to this arrangement; or
- (3) The administrator employs supervisors in charge, at least one of whom will be awake and on duty during each shift (first, second, and third); or
- (4) (3) When there is a cluster of licensed homes, each with a capacity of 7 to 12 residents, located adjacently on the same site, there must be at least one staff member, either live-in or on a shift basis in each of these homes. In addition, there must be at least one administrator or supervisor-in-charge who lives is within 500 feet of each home, is immediately available, and who is directly responsible for

assuring that all required duties are carried out in each home. To be immediately available, the administrator or supervisor-in-charge must be on stand-by and have direct access to either a two-way intercom system or a two-way intercom line on the existing telephone system that connects these homes with each other and with the residence of the administrator or supervisor-in-charge. The equipment installed must be in working condition and must be located in the bedroom of the administrator or supervisor-in-charge.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-153; S.L. 99-0334;*

*Eff. January 1, 1977;*

*Readopted Eff. October 31, 1977;*

*Amended Eff. July 1, 1990; April 1, 1987; April 1, 1984;*

*Temporary Amendment Eff. December 1, 1999;*

*Temporary Amendment Eff. January 1, 2000.*

#### .1303 MANAGEMENT AND PERSONAL CARE AIDE SUPERVISION IN FACILITIES WITH A CAPACITY OR CENSUS OF 31 TO 80 RESIDENTS

(a) In facilities with a capacity or census of 31 to 80 residents, there shall be a supervisor of personal care aides, including medication aides, on duty in the facility on first and second shifts; and there shall be an administrator on call, which means able to be contacted by telephone, pager or two-way intercom, at all times when not in the building. The supervisor shall meet the qualifications specified in Rule .1413 of this Subchapter. (For staffing chart, see Rule .1414 of this Subchapter.)

(b) On first and second shifts in facilities with a capacity or census of 31 to 70 residents, the supervisor of personal care aides, hereafter referred to as supervisor, may provide up to four hours of aide duty per shift. These four hours may be counted as required hours of aide duty. The supervisor's hours on duty shall not be counted as required hours of aide duty other than as specified in this Rule.

(c) On third shift in facilities with a capacity or census of 31 to 60 residents, the supervisor shall be in the facility or within 500 feet and immediately available, as defined in Rule .1301 of this Section.

(d) On third shift in facilities with a capacity or census of 61 to 80 residents, the supervisor shall be on duty in the facility for a least four hours and within 500 feet and immediately available, as defined in rule .1301 of this Section, for the remaining four hours. The four hours on duty shall not be counted as required hours of aide duty.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;*

*Temporary Adoption Eff. January 1, 2000.*

#### .1304 MANAGEMENT OF FACILITIES WITH A

**CAPACITY OR CENSUS OF 81 OR MORE RESIDENTS**

(a) A facility with a capacity or census of 81 or more residents shall be under the direct control of a ~~certified an administrator~~ administrator, hereafter referred to as administrator, who shall be responsible for the operation, administration, management and supervision of the facility on a full-time basis to assure that all care and services to residents are provided in accordance with all applicable local, state and federal regulations and codes. The administrator shall be on duty in the facility at least eight hours per day, five days per week and shall not serve simultaneously as a personal care aide supervisor or other staff to meet staffing requirements while on duty as an administrator. (For staffing chart, see Rule .1416 of this Subchapter.) If there is more than one facility on a contiguous parcel of land or campus setting, and the combined licensed capacity of the facilities is 200 beds or less, there may be one administrator on duty for all the facilities on the campus. The administrator shall not serve simultaneously as a personal care aide supervisor in this campus setting.

(b) When the administrator is not on duty in the facility, there shall be a person designated as administrator-in-charge on duty in the facility who has responsibility for the overall operation of the facility. The supervisor may serve simultaneously as the administrator-in-charge. Each facility on a contiguous parcel of land or campus setting, as described in Paragraph (a) of this Rule, shall have a person designated as the administrator-in-charge in the facility when the administrator is not on duty.

(c) The administrator-in-charge shall meet the following qualifications:

- (1) be 21 years or older;
- (2) be at least a high school graduate or certified under the G.E.D. program or have passed an alternative examination established by the Department;
- (3) meet the general health requirements according to Rule .1406 of this Subchapter; and
- (4) earn at least 12 hours a year of continuing education credits related to the management of adult care homes and care of aged and disabled persons in accordance with procedures established by the Department.

(d) The administrator shall be on call, which means able to be contacted by telephone, pager or two-way intercom at all times when not in the building.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;*

*Temporary Adoption Eff. December 1, 1999;*

*Temporary Amendment Eff. January 1, 2000.*

**SECTION .1400 - PERSONNEL**

**.1407 STAFFING**

(a) In addition to the requirements set forth in Paragraphs

(b) through (e) of this Rule, the requirements in 10 NCAC 42C .2005 shall control for this Subchapter. References to homes in Paragraphs (b) through (e) of this Rule refer to homes for the aged and disabled.

(b) Homes must staff to the licensed capacity of the home or to the resident census. When a home is staffing to resident census, a daily census log must be maintained which lists current residents by name, room assignment and date of admission and must be available for review by the monitoring and licensing agencies.

(c) Homes with capacity or census of 12 or fewer residents:

- (1) At all times there must be an administrator or supervisor-in-charge in the home or within 500 feet of the home and immediately available;
- (2) A free standing home with capacity or census of 12 or fewer residents must comply with the following staffing:

(A) When the administrator or supervisor-in-charge is not on duty within the home, there must be at least one staff member on duty on the first and second shifts and at least one staff member on call within the building on third shift. There must be a call system connecting the bedroom of the staff member, who may be asleep on the third shift, with each resident's bedroom; and

(B) When the administrator or supervisor-in-charge is on duty within the home on the first and second shifts and on call within the home on the third shift, another staff member (i.e., co-administrator, supervisor-in-charge or aide) must be in the building or within 500 feet of the home and immediately available.

- (3) A cluster of homes with capacity or census of 12 or fewer residents must comply with the following staffing:

(A) When there is a cluster of up to six licensed homes located adjacently, there must be at least one administrator or supervisor-in-charge who lives within 500 feet of each of the homes, is immediately available, and who, as supervisor for all the homes, is directly responsible for assuring that all required duties are carried out in each home; and

(B) In each of the homes, at least one staff member must be on duty on the first and second shifts and at least one staff member must be on call within the building during the third shift. There must be a call system connecting the bedroom of the staff member, who may be asleep on the third shift, with each resident's bedroom.

- (4) The following shall apply to all homes with capacity or census of 12 or fewer residents:



- (A) The administrator must prepare a plan of operation for the home (each home in a cluster) specifying the staff involved, their regularly assigned duties and the amount of time estimated to be spent for each duty. There must be a current plan of operation on file in the home, available for review by bona fide inspectors and the monitoring and licensing agencies;
  - (B) At least 12 hours must be spent daily providing for the personal services, health services, drug management, meaningful activities, and other direct services needed by the residents. These activities are the primary responsibility of the staff member(s) on duty on the first and second shifts; however, other help, such as the supervisor-in-charge and activities coordinator may be used to assist in providing these services;
  - (C) During the remaining hours, the staff member on duty may perform housekeeping and food service duties as long as the staff member can respond immediately to resident calls or the residents are otherwise supervised. Also, the person on call within the home may perform housekeeping duties between the hours of 9 p.m. and 7 a.m. if the duties do not hinder care of residents or immediate response to resident calls, do not disrupt residents' normal lifestyles and sleeping patterns; and do not take the person on call out of view of where the residents are;
  - (D) Additional help must be available daily to assure adequate housekeeping and food service.
- (d) Homes with capacity or census of 13-20 must comply with the following staffing. When the home is staffing to census and the census falls below 13 residents, the staffing requirements for a home with 12 or fewer residents will apply.
- (1) At all times there must be an administrator or supervisor-in-charge in the home or within 500 feet of the home and immediately available;
  - (2) When the administrator or supervisor-in-charge is not on duty within the home, there must be at least one staff member on duty on the first, second and third shifts;
  - (3) When the administrator or supervisor-in-charge is on duty within the home, another staff member (i.e. co-administrator, supervisor-in-charge or aide) must be in the building or within 500 feet of the home and immediately available;
  - (4) The job responsibility of the staff member on duty within the home is to provide the direct personal assistance and supervision needed by the residents. Any housekeeping duties performed by the staff member between the hours of 7 a.m. and 9 p.m. are to be limited to occasional, non-routine tasks. The

staff member may perform housekeeping duties between the hours of 9 p.m. and 7 a.m. as long as such duties do not hinder care of residents or immediate response to resident calls, do not disrupt residents' normal lifestyles and sleeping patterns and do not take the staff member out of view of where the residents are. The staff member on duty to attend to the residents is not to be assigned food service duties; and

- (5) In addition to the staff member(s) on duty to attend to the residents, there must be sufficient help available daily to perform necessary housekeeping and food service duties.
- (e) Homes with capacity or census of 21 or more must comply with the following staffing. When the home is staffing to census and the census falls below 21 residents, the staffing requirements for a home with a census of 13-20 will apply.
- (1) While the Division of Facility Services may require a home to have additional aide duty in excess of the minimum (based on the condition of the residents and the layout of the building), the daily total of aide duty hours on each 8-hour shift must at all times (other than during short, unforeseeable circumstances) be at least:
    - (A) First shift (morning) - ~~0.4 hours of aide duty for each resident (licensed capacity or resident census), or 8.0~~ 16 hours of aide duty per each 20 residents plus 3.0 hours for all other residents, whichever is greater; and for facilities with a census or capacity of 21 to 40 residents; and 16 hours of aide duty plus four additional hours of aide duty for every additional 10 or fewer residents for facilities with a census or capacity of 41 or more residents. (For staffing chart, see Rule .1416 of this Section.)
    - (B) Second shift (afternoon) - ~~0.4 hours of aide duty for each resident (licensed capacity or resident census), or 8.0~~ 16 hours of aide duty per each 20 residents plus 3.0 hours for all other residents, whichever is greater; and for facilities with a census or capacity of 21 to 40 residents; and 16 hours of aide duty plus four additional hours of aide duty for every additional 10 or fewer residents for facilities with a census or capacity of 41 or more residents. (For staffing chart, see Rule .1416 of this Section.)
    - (C) Third shift (evening) - 8.0 hours of aide duty per 30 or fewer residents (licensed capacity or resident census). (For staffing chart, see Rule .1416 of this Section.)
    - (D) The facility shall have additional aide duty to meet the needs of the facility's heavy care residents equal to the amount of time reimbursed by Medicaid. As used in this Rule, the term, "heavy care resident", means

an individual residing in an adult care home who is defined as "heavy care" by Medicaid and for which the facility is receiving enhanced Medicaid payments.

- (2) The following describes the nature of the aide's duties, including allowances and limitations:
  - (A) The job responsibility of the aide is to provide the direct personal assistance and supervision needed by the residents;
  - (B) Any housekeeping performed by an aide between the hours of 7 a.m. and 9 p.m. is to be limited to occasional, non-routine tasks, such as wiping up a water spill to prevent an accident, attending to an individual resident's soiling of his bed, or helping a resident make his bed. Routine bed-making is a permissible aide duty;
  - (C) If the home employs more than the minimum number of aides required, any additional hours of aide duty above the required hours of direct service between 7 a.m. and 9 p.m. may involve the performance of housekeeping tasks;
  - (D) An aide may perform housekeeping duties between the hours of 9 p.m. and 7 a.m. as long as such duties do not hinder the aide's care of residents or immediate response to resident calls, do not disrupt the residents' normal lifestyles and sleeping patterns, and do not take the aide out of view of where the residents are. The aide must be prepared to care for the residents since that remains his primary duty; and
  - (E) Aides are not to be assigned food service duties; however, providing assistance to individual residents who need help with eating is an appropriate aide duty.
- (3) In addition to the staffing required for management and aide duties, there must be sufficient personnel employed to perform necessary housekeeping and food service duties.

*History Note:* Authority G.S. 131D-2; 131D-4.3; 131D-4.5; 143B-153;

*Eff.* January 1, 1977;

*Readopted Eff.* October 31, 1977;

*Amended Eff.* December 1, 1991; September 1, 1990; July 1, 1990; April 1, 1984;

*Temporary Amendment Eff.* December 1, 1999;

*Temporary Amendment Eff.* January 1, 2000.

#### **.1413 RESPONSIBILITIES AND QUALIFICATIONS OF PERSONAL CARE AIDE SUPERVISOR IN FACILITIES WITH A CAPACITY OR CENSUS OF 71 OR MORE RESIDENTS**

- (a) Effective January 1, 2000, there There shall be at least

one personal care aide supervisor, hereafter referred to as supervisor, on duty in the facility on each first and second shifts shift whose in facilities with a capacity or census of 71 to 90 residents. On third shift in facilities with a capacity of 71 to 90 residents, the supervisor shall be on duty in the facility for at least four hours and within 500 feet and immediately available, as defined in Rule .1301 of this Subchapter, for the remaining four hours. The four hours on duty shall not be counted as required hours of aide duty. (For staffing chart, see Rule .1416 of this Section.)

(b) In facilities with a capacity or census of 91 or more residents, there shall be at least one supervisor on duty in the facility on each shift for less than 64 hours of aide duty; two supervisors for 64 to less than 96 hours of aide duty; and three supervisors for 96 to less than 128 hours of aide duty. (For staffing chart, see Rule .1416 of this Section.)

(c) The primary job responsibility of the supervisor in facilities with a capacity or census of 71 or more residents is the direct supervision of personal care aides, aides and including medication aides, aides in facilities with a census or capacity of 21 or more residents. While the supervisor may be involved in performing some personal care or management tasks, the primary responsibility of the supervisor is to assure that care and services are provided to residents by personal care aides in a safe and secure manner and according to licensure rules. This involves observing personal care aides in the performance of their duties; instructing, correcting and consulting with aides as needed; and reviewing documentation by aides. The Division of Facility Services may require a home to have additional supervisors based on the number of aides to be supervised and the condition of the residents.

(b) (d) A supervisor on duty shall not serve simultaneously as the administrator, personal care aide or any other staff except the administrator-in-charge in the absence of the administrator.

(c) (e) A supervisor shall meet the following qualifications:

- (1) be 21 years or older;
- (2) be a high school graduate or certified under the G.E.D. program, or have passed an alternative examination established by the Department;
- (3) meet the general health requirements according to Rule .1406 of this Section;
- (4) have at least 12 months of experience in performing or supervising the performance of duties to be supervised during a period of three years prior to the effective date of this rule or the date of hire, whichever is later;
- (5) meet the same minimum training and competency requirements of the aides being supervised; and earn at least 12 hours a year of continuing education credits related to the care of aged and disabled persons in accordance with procedures established by the Department of Health and Human Services.

*History Note:* Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;



*Temporary Adoption Eff. December 1, 1999;*  
*Temporary Amendment Eff. January 1, 2000.*

**.1414 QUALIFICATIONS OF MEDICATION AIDES AND THEIR SUPERVISORS**

(a) Effective January 1, ~~February 15,~~ 2000, staff who administer medications, hereafter referred to as medication aides, and staff who directly supervise the administration of medications shall have documentation of successfully completing the clinical skills validation portion of the competency evaluation according to Paragraph (d) and (e) of Rule .1415 of this Section prior to the administration or supervision of the administration of medications. Medication aides shall also meet the staff training and competency requirements according to Rule .1410 of this Section. Persons authorized by state occupational licensure laws to administer medications are exempt from this requirement.

(b) Effective July 1, 2000, medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall have successfully passed pass the written examination and within 90 days after successful completion of the clinical skills validation portion of a competency evaluation according to Rule .1415 of this Section. Section prior to administration or

supervision of the administration of medications: Medication aides shall also meet the staff training and competency requirements according to Rule .1410 of this Section.

(c) Medication aides and their direct supervisors, except persons authorized by state occupational licensure laws to administer medications, shall complete eight hours of state approved continuing education annually in medication administration.

(d) Effective July 1, 2000, persons taking the competency evaluation for medication administration shall be a high school graduate or certified under the G.E.D. program or shall have passed an alternative examination established by the Department.

(e) Training and competency validation of any unlicensed person who is to administer insulin shall be according to Rule .1829 of this Subchapter. Effective January 1, 2000, the training shall also be required for any unlicensed person who is to administer insulin.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;*

*Temporary Adoption Eff. December 1, 1999;*

*Temporary Amendment Eff. January 1, 2000.*

**.1416 STAFFING CHART**

The following chart specifies the required aide, supervisory and management staffing for each eight-hour shift in facilities with a capacity or census of 21 or more residents according to Rules .1301, .1303, .1304, .1407 and .1413 of this Subchapter.

Bed Count	Position Type	First Shift	Second Shift	Third Shift
21-30	Aide	16	16	8
	Supervisor	Not Required	Not Required	Not Required
	Administrator/SIC	In the building, or within 500 feet and immediately available.		
31 - 40	Aide	16	16	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.
	Administrator	On call		
41-50	Aide	20	20	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.
	Administrator	On call		
	Aide	24	24	16

**TEMPORARY RULES**

Bed Count	Position Type	First Shift	Second Shift	Third Shift
51-60	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.
	Administrator	On call		
61-70	Aide	28	28	24
	Supervisor	8*	8*	4 hours within the facility/4 hours within 500 feet and immediately available.
	Administrator	On call		
71-80	Aide	32	32	24
	Supervisor	8	8	4 hours within the facility/4 hours within 500 feet and immediately available.
	Administrator	On call		
81-90	Aide	36	36	24
	Supervisor	8	8	4 hours within the facility/4 hours within 500 feet and immediately available
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call		
91-100	Aide	40	40	32
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call		
101-110	Aide	44	44	32
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
111-120	Aide	48	48	32
	Supervisor	8	8	8
	Administrator	5 days/week. Minimum of 40 hours. When not in facility, on call.		



**TEMPORARY RULES**

Bed Count	Position Type	First Shift	Second Shift	Third Shift
121-130	Aide	52	52	40
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
131-140	Aide	56	56	40
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call		
141-150	Aide	60	60	40
	Supervisor	8	8	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
151-160	Aide	64	64	48
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
161-170	Aide	68	68	48
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call		
171-180	Aide	72	72	48
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
181-190	Aide	76	76	56
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
191-200	Aide	80	80	56
	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	84	84	56

## TEMPORARY RULES

Bed Count	Position Type	First Shift	Second Shift	Third Shift
201-210	Supervisor	16	16	8
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
211-220	Aide	88	88	64
	Supervisor	16	16	16
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
221-230	Aide	92	92	64
	Supervisor	16	16	16
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
231-240	Aide	96	96	64
	Supervisor	24	24	16
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		

\*Supervisor may conduct up to four hours of aide duty.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165; S.L. 99-0334;  
Temporary Adoption Eff. January 1, 2000.*

### SECTION .1800 - REMAINING POLICIES AND REGULATIONS

#### **.1831 HEALTH CARE PERSONNEL REGISTRY**

The facility shall comply with G.S. 131E-256 and supporting  
10 NCAC 3B .1001 and .1002.

*History Note: Authority G.S. 131D-2; 131D-4.5; 131E-256;  
143B-165; S.L. 99-0334;*

Temporary Adoption Eff. January 1, 2000.

### SECTION .2300 - EFFECTIVE DATE ON TEMPORARY RULES

#### **.2301 CHANGE OF EFFECTIVE DATE OF TEMPORARY RULES**

The effective date of temporary Rules .1302, .1401, .1402,  
.1410, .1411, .1412, .1415, .1503, .1605, .1804, .1821, .1901-  
.1910, .2001-2011, .2101, .2102, .2201-2203 of this  
Subchapter is changed to January 1, 2000.

*History Note: Authority G.S. 131D-2; 131D-4.5; 143B-165;  
S.L. 99-0334;*

Temporary Adoption Eff. November 30, 1999.

## TITLE 11 - DEPARTMENT OF INSURANCE

**Rule-making Agency:** *NC Department of Insurance*

**Rule Citation:** *11 NCAC 10 .0105, .1110*

**Effective Date:** *December 1, 1999*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 58-2-40; 58-6-5; 58-  
41-50*

#### **Reason for Proposed Action:**

*11 NCAC 10 .0105 - The 1999 NC General Assembly in S.L. 1999-435 repealed the policy form and rate filing fees that were contained in G.S. 58-6-5. This amendment conforms this Rule to the repeal.*

*11 NCAC 10 .1110 - The 1999 NC General Assembly in S.L. 1999-132 changed the elements of the formula used by workers' compensation insurers to arrive at their premium rates. This amendment conforms the rule to the new statute.*



**Comment Procedures:** *Written comments may be sent to Ellen K. Sprenkel, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611*

## CHAPTER 10 - PROPERTY AND CASUALTY DIVISION

### SECTION .0100 - GENERAL PROVISIONS

#### **.0105 MANUSCRIPT OR INDIVIDUAL RISK FILINGS**

(a) Within 60 days after the inception date of a manuscript or individual risk policy, the insurer shall submit to the Department's Property and Casualty Division:

- (1) Any form or endorsement not previously filed with the Department and approved for use.
- (2) A statement explaining why a manuscript or individual risk policy was needed.
- (3) The appropriate filing fee.

(b) Continuous policies are not permitted.

(c) A copy of the approved filing shall be retained by the filer in accordance with 11 NCAC 19.0002 through 11 NCAC 19.0005.

(d) If the rates have been determined by an unfiled "(a) rating" or "individual risk rating", the insurer shall submit the following:

- (1) A statement describing how the rates were calculated.
- (2) A certification that the rates are not excessive, inadequate, or unfairly discriminatory.

*History Note: Authority G.S. 58-2-40; 58-6-5; 58-41-50; 58-43-5;*

*Eff. April 1, 1992;*

*Amended Eff. August 1, 1998; February 1, 1996;*

*Temporary Amendment Eff. December 1, 1999.*

### SECTION .1100 - N.C. HOME INSPECTOR STANDARDS OF PRACTICE

#### **.1110 WORKERS' COMPENSATION LOSS COSTS QUESTIONNAIRE**

For those filings made in accordance with 11 NCAC 10.1102(15), supporting information shall be presented as follows:

(1) Reference Filing Adoption Form:

- (a) Insurer's name.
- (b) Contact person for filing.
- (c) Title of contact person.
- (d) Phone number.
- (e) Insurer's FEIN.
- (f) Insurer's file number.
- (g) Department file number.
- (h) NCRB reference filing number.
- (i) Effective date.

- (j) Insurer's proposed effective date (if different from NCRB effective date).
  - (k) Insurer's approximate market share of North Carolina written premium.
  - (l) Whether the multiplier is applicable to this filing only or to subsequent reference filings.
  - (m) Statement of accuracy of information.
  - (n) Signature of company official.
  - (o) Date signed.
- (2) Summary of Supporting Data Form:
- (a) Statement of whether the filing applies uniformly to all workers' compensation classes.
  - (b) Loss costs modification:
    - (i) Without modification (factor equals 1.000).
    - (ii) With modification (supporting documentation required).
  - (c) Loss costs modification factor.
  - (d) Selected expenses (attach Expense Provision Exhibit):
    - (i) Commission and brokerage.
    - (ii) Other acquisition.
    - (iii) General expenses.
    - (iv) Taxes, licenses, fees, loss based assessments.
    - (v) Profit, contingencies, credit for investment income.
    - (vi) Other.
    - (vii) Total (i+ii+iii+iv+v+vi).
  - (e) Development of Expected Loss and Loss Adjustment Expense (Target Cost) Ratio: Expressed in decimal form: 1.000-(d)(vii).
  - (f) Overall effect of expense constant and minimum premiums: Expressed in decimal form, i.e., 1.2% overall effect would be 0.988.
  - (g) Overall effect of size-of-risk discounts plus expense gradation recognition in retrospective rating: Expressed in decimal form, i.e., 8.6% average discount would be 0.914.
  - (h) Provision for ~~premium taxes, licenses, fees, and loss based assessments~~: See NCRB Reference Filing, Exhibit II.
  - (i) Company formula loss costs multiplier (b)(ii) x (1.000 - h) / [(g) - (d)(vii)] x (f).
  - (j) Company selected loss costs multiplier. Explain any differences between (i) and (j).
  - (k) Rate level changes for the coverages to which this page applies.
  - (l) Statement of whether the insurer is amending the minimum premium formula.
  - (m) Statement of whether the insurer is amending the expense constant(s).
  - (n) Statement of whether the insurer is changing the premium discount schedules.

SECTION .0400 - COMMISSIONER'S RESERVE  
VALUATION METHOD

- (o) If the answer to (l), (m), or (n) is yes, documentation is required.
- (3) Expense Provisions Exhibit: For the following items, the insurer shall provide the three most recent years, the average, industry average, and the selected:
- (a) Commissions and brokerage.
  - (b) Other acquisition.
  - (c) General expenses.
  - (d) Taxes, licenses, fees, and loss based assessments.
  - (e) Profit, contingencies, and investment income:
    - (i) Profit and contingencies.
    - (ii) Credit for investment income.
  - (f) Other.
  - (g) Total (a+b+c+d+e+f).

The insurer shall indicate if the insurer's actual expense ratios are North Carolina, countrywide, or other (explain); and if the insurer's actual expense ratios are a percent of standard premium, percent of net premium, or other (explain). The insurer shall explain if the selected provisions differ from the average for reasons other than rounding.

*History Note:* Authority G.S. 58-2-40; 58-36-15; 58-36-100;

*Eff. February 1, 1996;*

*Temporary Amendment Eff. December 1, 1999.*

\*\*\*\*\*

**Rule-making Agency:** NC Department of Insurance

**Rule Citation:** 11 NCAC 11F .0401-.0405, .0501-.0504

**Effective Date:** 15 NCAC 11F .0401-.0405 - January 1, 2000  
15 NCAC 11F .0501-.0504 - December 1, 1999

**Findings Reviewed and Approved by:** Beecher R. Gray

**Authority for the rule-making:** G.S. 58-2-40; 58-58-50

**Reason for Proposed Action:** The 1999 NC General Assembly in S.L. 1999-219 authorized the Commissioner of Insurance to adopt rules governing minimum valuation standards for reserves of life insurance companies which required these amendments, and to recognize new annuity mortality tables for determining reserve liabilities for annuities before January 1, 2000.

**Comment Procedures:** Written comments may be sent to Walter James, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611.

CHAPTER 11 - FINANCIAL EVALUATION DIVISION

SUBCHAPTER 11F - ACTUARIAL

.0401 APPLICABILITY

- (a) This Section does not apply to:
- (1) Any individual life insurance policy issued on or after the effective date of this Section if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before the effective date of this Section, that guarantees the premium rates of the new policy; nor to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.
  - (2) Any universal life policy that meets all the following requirements:
    - (A) The secondary guarantee period, if any, is five years or less.
    - (B) The specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in 11 NCAC 11F .0402(6) and the applicable valuation interest rate.
    - (C) The initial surrender charge is not less than 100% of the first year annualized specified premium for the secondary guarantee period.
  - (2) (3) Any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.
  - (3) (4) Any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.
  - (4) (5) Group A group life insurance certificates certificate unless the certificates provide certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.
    - (b) Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with 11 NCAC 11F .0404.
    - (c) Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period of ~~more than five years~~ shall be in accordance with 11 NCAC 11F .0405.
    - (d) ~~This Section becomes effective on January 1 of the calendar year immediately following the adoption of similar requirements in rule or statutory form by states with an aggregate population of at least fifty-one percent (51%) of the~~



total population of the United States of America, according to the most recent General Federal Census.

*History Note:* Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k);

*Eff.* January 1, 1998;

*Temporary Amendment Eff.* January 1, 2000.

## .0402 DEFINITIONS

As used in this Section:

- (1) "Basic reserves" means reserves calculated in accordance with the principles of G.S. 58-58-50(d).
- (2) "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception, for the first segment) to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in ~~11 NCAC 11F .0402 (5)~~ 11 NCAC 11F .0402(6) (or any other valuation mortality table adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for this purpose), and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in 11 NCAC 11F .0403(b).

The length of a particular contract segment shall be set equal to the minimum of the value  $t$  for which  $G_t$  is greater than  $R_t$  (if  $G_t$  never exceeds  $R_t$  the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where  $G_t$  and  $R_t$  are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

where:

$x$  = original issue age;

$k$  = the number of years from the date of issue to the beginning of the segment;

$t = 1, 2, \dots$ ;  $t$  is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$  = Guaranteed gross premium per thousand of face amount amount, for year  $t$  of the segment, ignoring policy fees only if level for the premium paying period of the policy, policy, for year  $t$  of the segment.

$$R_t = \frac{qx+k+t}{qx+k+t-1}$$

However,  $R_t$  may be increased or decreased by one percent in any policy year, at the company's option, but  $R_t$  shall not be less than one;

where:

$x$ ,  $k$  and  $t$  are as defined above, and

$qx+k+t-1$  = valuation mortality rate for deficiency reserves in policy year  $k+t$ ;  $k+t$ , but using the mortality of 11 NCAC 11F .0403(b)(2) if 11 NCAC 11F .0403(b)(3) is elected for deficiency reserves. However, if  $GP_{x+k+t}$  is greater than zero (0) and  $GP_{x+k+t-1}$  is equal to zero (0),  $G_t$  shall be deemed to be one thousand (1,000). If  $GP_{x+k+t}$  and  $GP_{x+k+t-1}$  are both equal to zero (0),  $G_t$  shall be deemed to be zero (0).

- (3) "Deficiency reserves" means the excess, if greater than zero, of minimum reserves calculated in accordance with the principles of G.S. 58-58-50(g) over basic reserves.
- (4) "Guaranteed gross premiums" means the premiums under a policy of life insurance that are guaranteed and determined at issue.
- (4) (5) "Maximum valuation interest rate" rates means the interest rate rates specified in G.S. 58-58-50 (c)(4) ~~G.S. 58-58-50(c)(4)~~ b that is are to be used in determining the minimum standard for the valuation of life insurance policies.
- (5) (6) "1980 CSO valuation tables" means the Commissioners' 1980 Standard Ordinary Mortality Table (1980 CSO Table) without ten-year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and variation variations of the 1980 CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.
- (6) (7) "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in 11 NCAC 11F .0405 (a)(3), if any, or else the minimum premium described in 11 NCAC 11F .0405 (a)(4).
- (7) (8) "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment.
  - (a) The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:
    - (i) The present value of the death benefits within the segment, plus
    - (ii) The present value of any unusual guaranteed cash value (see 11 NCAC 11F .0404 (d)) occurring at the end of the segment, less

- (iii) Any unusual guaranteed cash value occurring at the start of the segment, plus
- (iv) For the first segment only, the excess of the ~~Item (i) over Item (ii);~~ Item (A) over Item (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(B) A net one-year term premium for the benefits provided for in the first policy year.

- (b) The length of each segment is determined by the contract segmentation method.
- (c) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.
- (d) For both basic reserves and deficiency reserves computed by the segmented method, present values must shall include future benefits and net premiums in the current segment and in all subsequent segments.

(8)(9) "Tabular cost of insurance" means the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.

(9)(10) "Ten-year select mortality factors" means the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.

(10)(11) "Unitary reserves" means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

- (a) Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy;

- (b) Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Item (i) over Item (ii), as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(ii) A net one-year term premium for the benefits provided for in the first policy year; and

- (c) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

(11)(12) "Universal life insurance policy" means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

*History Note: Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k);*

*Eff. January 1, 1998;*

*Temporary Amendment Eff. January 1, 2000.*

#### **.0403 BASIC AND PREMIUM DEFICIENCY RESERVES**

(a) At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for this purpose). If select mortality factors are elected, they may be:



- (1) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;
  - (2) ~~One hundred fifty percent (+150%) of the base~~ The select mortality factors of in the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model Regulation"; or
  - (3) ~~One hundred fifty percent (+150%) of the base select mortality factors of the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model Regulation" for the first 10 policy years; then linearly graded from the resulting tenth year factor to 100 percent at policy year 16; or~~
  - (4) (3) Any other table of select mortality factors adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for the purpose of calculating basic reserves.
- (b) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner). If select mortality factors are elected, they may be: be any of the following:
- (1) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;
  - (2) ~~One hundred twenty percent (+120%) of the base~~ The select mortality factors of in the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model Regulation";
  - (3) ~~One hundred twenty percent (+120%) of~~ For durations in the first segment, X percent of the base select mortality factors of in the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model Regulation" for the first 10 policy years; then linearly graded from the resulting tenth year factor to 100 percent at policy year 16; or Regulation," subject to the following:
    - (A) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;
    - (B) X shall not be less than 20%;
    - (C) X shall not decrease in any successive policy years;
    - (D) X is such that, when using the valuation interest rate used for basic reserves, Item (1) is greater than or equal to Item (ii);
- (i) The actuarial present value of future death benefits calculated using the mortality rates resulting from the application of X;
  - (ii) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;
- (E) X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five years after the valuation date;
  - (F) The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all requirements of this Rule;
  - (G) The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of this Rule; and
  - (H) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums;
  - (I) If X is less than 100% at any duration for any policy, the following requirements shall be met:
    - (i) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of 11 NCAC 11F .0300; and
    - (ii) The appointed actuary shall annually opine for all policies subject to this Section as to whether the mortality rates resulting from the application of X meet the requirements of this Rule. This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.
- (4) Any other table of select mortality factors adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for the purpose of calculating deficiency reserves.

(c) Notwithstanding Paragraphs (a) and (b) of this Rule, if the length of the first segment as determined by the contract segmentation method for the basic reserves is not greater than 5 years (safe harbor), then for the length of time measured from issue, for either the unitary method or the contract segmentation method, gross premiums need not be substituted for net premiums even if the gross premiums are less than the net premiums. For subsequent periods, gross premiums must be substituted for net premiums if the gross premiums are less than the corresponding net premiums.

(d) For any policies for which the company chooses to use the "safe harbor", the company shall demonstrate annually to the Commissioner, by submitting a statement of actuarial opinion signed by the appointed actuary, that the reserves held for all such policies are adequate.

(e) In applying percentages to the base select mortality factors:

(1) No result shall be rounded; and

(2) Any result that exceeds 100 shall be set equal to 100.

(f) (c) This Rule applies to both basic reserves and deficiency reserves. Any set of base select mortality factors may be used only for the first segment. However, if the first segment is less than 10 years, the appropriate 10-year select mortality factors factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, may be used thereafter through the tenth policy year from the date of issue.

(g) (d) In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium, but only if the policy fee is a level dollar amount for after the entire premium-paying period of the policy first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums even if they are not included in the actual calculation of basic reserves.

(e) Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than one year after the date of the change shall be the greatest of the following:

(1) Reserves calculated ignoring the guarantee.

(2) Reserves assuming the guarantee was made at issue.

(3) Reserves assuming that the policy was issued on the date of the guarantee.

(f) The Commissioner may require that the insurer document the extent of the adequacy of reserves for specified blocks, including but not limited to policies issued before the effective date of this Section. This documentation may include a demonstration of the extent to which aggregation with other non-specified blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of 11 NCAC 11F .0300.

*History Note:* Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k);

*Eff. January 1, 1998;*

*Amended Eff. January 1, 2000.*

#### **.0404 CALCULATION OF 11 NCAC 11 .0401(b)**

(a) Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy must shall use the same valuation mortality table and selection factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the following adjustments may be made:

(1) Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(2) Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

#### **(b) Deficiency Reserves**

(1) The deficiency reserve at any duration shall be calculated:

(A) On a unitary basis if the corresponding basic reserve determined by 11 NCAC 11F .0404(a) is unitary;

(B) On a segmented basis if the corresponding basic reserve determined by 11 NCAC 11F .0404(a) is segmented; or

(C) On the segmented basis if the corresponding basic reserve determined by 11 NCAC 11F .0404(a) is equal to both the segmented reserve and the unitary reserve.

(2) This Paragraph 11 NCAC 11F .0404(b) shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of mortality (specified in 11 NCAC 11F .0403 (b)) and rate of interest.

(3) Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in 11 NCAC 11F .0403(b).

(4) For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.



(c) Minimum Value - Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used. The tabular cost of insurance must shall use the same valuation mortality table, ~~select mortality factor table~~ and interest rates as that those that are used for the calculation of both the segmented ~~and the unitary~~ reserves. However, if select mortality factors are used, they shall be the 10-year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Model Law. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

(d) Unusual Pattern of Guaranteed Cash Surrender Values

- (1) For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual ~~guarantee~~ guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n-year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.
- (2) The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n-year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where
  - (A) n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:
    - (i) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or
    - (ii) The mandatory expiration date of the policy; and
  - (B) The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and
  - (C) The net to gross ratio is equal to Item (i) divided by Item (ii) as follows:
    - (i) The present value, at the beginning of the n-year period, of death benefits

payable during the n-year period plus the present value, at the beginning of the n-year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n-year period.

- (ii) The present value, at the beginning of the n-year period, of the scheduled gross premiums payable during the n-year period.

- (3) For the purposes of 11 NCAC 11F .0404 (d) a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

- (A) One hundred ten percent (110%) of the scheduled gross premium for that year;
- (B) One hundred ten percent (110%) of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and
- (C) Five percent (5%) of the first policy year surrender charge, if any.

(e) Optional Exemption for Yearly Renewable Term Reinsurance - At the option of the company, the following approach for reserves on YRT reinsurance may be used:

- (1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.
- (2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in 11 NCAC 11F .0404 (c).
- (3) Deficiency reserves.
  - (A) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.
  - (B) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Part (A) of this Subparagraph.
- (4) For purposes of 11 NCAC 11F .0404 (e), the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without ten-year select mortality factors, or any other table adopted after the effective date of this Section by the NAIC and adopted as a rule by the Commissioner for this purpose.
- (5) A reinsurance agreement shall be considered YRT reinsurance for purposes of this Rule if: if only the mortality risk is reinsured.

- (A) ~~The reinsurance premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) for any given year are independent of both the premium rates and the plan of the original policy; and~~
- (B) ~~Only the mortality risk is reinsured.~~
- (6) If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.
- (f) Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies - At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used:
- (1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.
  - (2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in 11 NCAC 11F.0404 (c).
  - (3) Deficiency reserves.
    - (A) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.
    - (B) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Part (A) of this Subparagraph.
  - (4) For purposes of this Rule, 11 NCAC 11F .0404(f), the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10-year select mortality factors, or any other table adopted after the effective date of this Section by the NAIC and adopted as a rule by the Commissioner for this purpose.
  - (5) A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this Rule if:
    - (A) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and
    - (B) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.
  - (6) For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this Rule may be used after the initial period if:
    - (A) The initial period is constant for all insureds of the same sex, risk class and plan of insurance; or
    - (B) The initial period runs to a common attained age for all insureds of the same sex, risk class and plan of insurance; and
    - (C) After the initial period of coverage, the policy meets the conditions of Subparagraph (f)(5) of this Rule.
  - (7) If this election is made, this approach must shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this Rule.
  - (g) Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies - Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:
    - (1) The policy consists of a series of n-year periods, including the first period and all renewal periods, where n is the same for each period, except that for the final renewal period, n may be truncated or extended to reach the expiry age, provided that this final renewal period is less than 10 years and less than twice the size of the earlier n-year periods, and for each n-year period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;
    - (2) The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the 10-year select mortality factors; and
    - (3) There are no cash surrender values in any policy year.
  - (h) Exemption from Unitary Reserves for Certain Juvenile Policies - Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:
    - (1) At issue, the insured is age 24 or younger;
    - (2) Until the insured reaches the end of the juvenile period, which must shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and
    - (3) After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

*History Note: Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k);*

*Eff. January 1, 1998;*

*Temporary Amendment Eff. January 1, 2000.*



**.0405 CALCULATION OF 11 NCAC 11 .0401(c)**

(a) General

- (1) Policies with a secondary guarantee include:
  - (A) A policy with a guarantee that the policy will remain in force at the original schedule of ~~benefits over a period exceeding five years;~~ benefits, subject only to the payment of specified premiums;
  - (B) A policy in which the minimum premium at any ~~future duration beyond the end of the fifth policy year~~ is less than the corresponding one-year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors, or any other table adopted after the effective date of this Rule Section by the NAIC and ~~promulgated by regulation adopted as a rule~~ by the Commissioner for this purpose; or
  - (C) A policy with any combination of Parts (A) and (B).
- (2) A secondary guarantee period is the longest period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally extended changed by the insurer after issue shall be considered to have been made at issue. Reserves described in Paragraphs (b) and (c) of this Rule shall be recalculated from issue to reflect the extensions; these changes.
- (3) Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.
- (4) For purposes of this Rule, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation must shall use the policy cost factors (including mortality charges, loads and expense charges) and the interest crediting rate, which are all guaranteed at issue.
- (5) The one-year valuation premium means the net one-year premium based upon the original schedule of benefits for a given policy year. The one-year valuation premiums for all policy years are

calculated at issue. The select mortality factors defined in 11 NCAC 11F .0403 (a)(2), .0403 (a)(3), .0403 (a)(4), .0403 (b)(2), .0403 (b)(3), and .0403 (b)(4) may not be used to calculate the one-year valuation premiums.

- (6) The one-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(b) Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in 11 NCAC 11F .0402 (2).

(c) Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in 11 NCAC 11F .0404 (b) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(d) The minimum reserves during the secondary guarantee period are the greater of:

- (1) The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or
- (2) The minimum reserves required by other rules or regulations governing universal life plans.

*History Note: Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k);*

*Eff. January 1, 1998;*

*Temporary Amendment Eff. January 1, 2000.*

**SECTION .0500 - NEW ANNUITY VALUATION MORTALITY TABLES**

**.0501 DEFINITIONS**

As used in this Section:

- (1) "1983 Table 'a' " means that mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the NAIC.
- (2) "1983 GAM Table" means that mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the NAIC.
- (3) "1994 GAR Table" means that mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force. The 1994 GAR Table is included in the report on pages 865-

919 of Volume XLVII of the Transactions of the Society of Actuaries (1995).

- (4) "Annuity 2000 Mortality Table" means that mortality table developed by the Society of Actuaries Committee on Life Insurance Research. The Annuity 2000 Table is included in the report on pages 211-249 of Volume XLVII of the Transactions of the Society of Actuaries (1995).

*History Note: Authority G.S. 58-2-40; 58-58-50(k); Temporary Adoption Eff. December 1, 1999.*

**.0502 INDIVIDUAL ANNUITY OR PURE ENDOWMENT CONTRACTS**

(a) Except as provided in Paragraphs (b) and (c) of this Rule, the 1983 Table "a" is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after April 19, 1979.

(b) Except as provided in Paragraph (c) of this Rule, either the 1983 Table "a" or the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1987.

(c) Except as provided in Paragraph (d) of this Rule, the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 2000.

(d) The 1983 Table "a" without projection is to be used for determining the minimum standards of valuation for an individual annuity or pure endowment contract issued on or after January 1, 2000, solely when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

- (1) Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;
- (2) Settlements involving similar actions such as worker's compensation claims; or
- (3) Settlements of long term disability claims where a temporary or life annuity has been issued in lieu of continuing disability payments.

*History Note: Authority G.S. 58-2-40; 58-58-50(k); Temporary Adoption Eff. December 1, 1999.*

**.0503 GROUP ANNUITY OR PURE ENDOWMENT CONTRACTS**

(a) Except as provided in Paragraphs (b) and (c) of this Rule, the 1983 GAM Table, the 1983 Table "a" and the 1994 GAR Table are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, any one of these tables may be used for purposes of

valuation for an annuity or pure endowment purchased on or after April 19, 1979, under a group annuity or pure endowment contract.

(b) Except as provided in Paragraph (c) of this Rule, the 1983 GAM Table or the 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1987, under a group annuity or pure endowment contract.

(c) The 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 2000, under a group annuity or pure endowment contract.

*History Note: Authority G.S. 58-2-40; 58-58-50(k); Temporary Adoption Eff. December 1, 1999.*

**.0504 APPLICATION OF THE 1994 GAR TABLE**

In using the 1994 GAR Table, the mortality rate for a person age  $x$  in year  $(1994 + n)$  is calculated as follows:

$$q_{\overline{1994+n}} \equiv q_{\overline{1994}} (1 - AA_x)^n$$

where the  $q_{\overline{1994}}$ s and  $AA_x$ s are as specified in the 1994 GAR Table.

*History Note: Authority G.S. 58-2-40; 58-58-50(k); Temporary Adoption Eff. December 1, 1999.*

\*\*\*\*\*

**Rule-making Agency:** NC Department of Insurance

**Rule Citation:** 11 NCAC 12 .0308, .1701-.1703, .1707, .1709

**Effective Date:** December 1, 1999

**Findings Reviewed and Approved by:** Beecher R. Gray

**Authority for the rule-making:** G.S. 58-2-40; 58-3-145; 58-16-30; 58-58-42

**Reason for Proposed Action:**

**11 NCAC 12 .0308** - The 1999 General Assembly rewrote the law prohibiting the use of credit cards in the business of insurance requiring the repeal of this law.

**11 NCAC 12 .1701-.1703, .1707, .1709** - The 1999 Session of the NC General Assembly made technical changes to the viatical settlement in S.L. 1999-351 which requires amendments to these rules.

**Comment Procedures:** Written comments for 11 NCAC 12 .0308 may be sent to Ellen K. Sprenkel, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611, and written comments for 11 NCAC 12 .1701-.1703, .1707, .1709 may be sent to Rebecca Hill at the same address.



CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .0300 GENERAL PROVISIONS

**.0300 BANK CREDIT CARD FACILITY  
AVAILABLE FOR PREMIUM PAYMENT**

No insurer may solicit insurance under the provisions of G.S. 58-61.2 in such a way as to imply that the bank credit card facility is actually doing the solicitation. The following guidelines must be adhered to, by the insurer:

- (1) ~~The colors used by the bank credit card facility may not be used in the solicitation material.~~
- (2) ~~The solicitation material may refer to the bank credit card facility if it is operated by a bank corporation with principal domicile in North Carolina, only by making it one of the options to be used in paying the premium.~~
- (3) ~~The bank credit card account number may not be shown on the address label of the individual being solicited.~~
- (4) ~~With respect to the physical location where solicitations are conducted, solicitations and disclosures should not possess a capacity or tendency to mislead or deceive as to the true identity of the insurer or create the impression that a company other than the insurer would have any responsibility for the financial obligation under a contract of insurance.~~

*History Note:* Authority G.S. 58-61.2;  
Eff. February 1, 1976;  
Readopted Eff. September 26, 1978;  
Amended Eff. April 1, 1989;  
Temporary Repeal Eff. December 1, 1999.

SECTION .1700 - VIATICAL SETTLEMENTS

**.1701 DEFINITIONS**

(a) The definitions in G.S. 58-58-42(a) are incorporated into this Section by reference.

(b) As used in this Section, "Division" means the Life and Health Division of the Department of Insurance.

(c) As used in this Section:

- (1) "Broker" has the same meaning as "Viatical Settlement Broker."
- (2) "Provider" has the same meaning as "Viatical Settlement Provider."
- (3) "Representative" has the same meaning as "Viatical Settlement Representative."

*History Note:* Authority G.S. 58-2-40; 58-58-42;  
Eff. February 1, 1996;  
Amended Eff. May 1, 1997;  
Temporary Amendment Eff. December 1, 1999.

**.1702 VIATICAL SETTLEMENT PROVIDERS**

(a) An application for provider registration shall be filed with the Division.

(b) Only those individuals named in the application may act as providers.

(c) A provider shall submit with the application a plan of operation, including full particulars on the manner in which the provider proposes to operate in North Carolina and the type or types of insurance policies or contracts it intends to viaticate.

(d) The provider's plan of operation shall be a narrative overview of the provider's business and shall include the following information:

- (1) A certified copy of the provider's charter and by-laws, if a corporation, and a copy of the partnership agreement, if a partnership.
- (2) A chart showing the relationship of the provider to any parent, affiliated, or subsidiary corporation.
- (3) A detailed description of the provider's marketing techniques, including a description of training programs for those individuals who will have direct contact with viators.
- (4) A list of the names of provider's directors and management personnel, including job title and a brief description of the job duties.
- (5) A schedule listing the names of financial institutions with which the provider has escrow trust agreements, indicating the balance on each account and copies of all escrow and trust agreements.
- (6) A detailed description of what steps through which the viator will have access to funds, including the source that will make such funds available.
- (7) A schedule listing the names of all financing entities with which the provider participates in financing transactions.
- (8) A statement fully disclosing the identities of all stockholders directly or indirectly holding ten percent (10%) or more of the provider, and all partners, directors, officers, and employees of the provider, depending on whether the provider is a partnership, corporation, or limited liability company.

(e) A provider shall immediately notify the Division of any change in the address of the provider and of any change in the officers partners, officers, and directors of the provider: within 10 business days after the change.

(f) Each provider shall notify the Division of any change in the plan of operation or financial information filed with its application within 10 business days after the change.

(g) Each provider shall maintain net capital of at least one hundred thousand dollars (\$100,000), or net capital plus a surety bond totaling at least one hundred thousand dollars (\$100,000). As used in this Rule, "net capital" means the excess of total assets over total liabilities as determined by generally accepted accounting principles. If any of a provider's assets have been depreciated, the amount of depreciation relative to any particular asset may be added to the depreciated cost of the assets to compute the total assets; provided

however, that the amount resulting after adding such depreciation shall not exceed the fair market value of the asset. For the purpose of calculating the appropriate amount of the surety bond that is required by this Rule, net capital shall be presumed to be zero (\$0.00) in situations in which a provider's liabilities exceed the provider's assets.

(h) A power of attorney designating the Commissioner as the provider's agent for service of legal process shall be filed by every provider.

*History Note: Authority G.S. 58-2-40; 58-16-30; 58-58-42; Eff. February 1, 1996;*

*Amended Eff. May 1, 1997;*

*Temporary Amendment Eff. December 1, 1999.*

### **.1703 VIATICAL SETTLEMENT BROKERS AND REPRESENTATIVES**

(a) No person shall act as a broker or representative without first registering with the Agent Services Division.

(b) The Commissioner shall suspend, revoke, or refuse to renew the registration of any broker or representative if the Commissioner finds that:

- (1) There was any misrepresentation in the application for registration;
- (2) The broker or representative has been found guilty of fraudulent or dishonest practices, has been found guilty of a felony or any misdemeanor of which criminal fraud is an element, or is otherwise shown to be financially irresponsible; or
- (3) The broker or representative has placed or attempted to place a contract with an unregistered provider.

(c) In the absence of a written agreement between a viator and a broker making the broker the viator's agent, a broker is presumed to be an agent of the provider. In the absence of a written agreement between a viatical settlement representative and a viatical settlement broker naming the representative as the broker's agent, a representative is presumed to be an agent of the provider.

(d) A broker shall not, without the written agreement of the viator obtained before performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

(e) A power of attorney designating the Commissioner as the broker's agent of the broker or representative for service of legal process shall be filed by every broker: broker and representative.

*History Note: Authority G.S. 58-2-40; 58-16-30; 58-58-42; Eff. February 1, 1996;*

*Amended Eff. January 1, 1998;*

*Temporary Amendment Eff. December 1, 1999.*

### **.1707 SOLICITATION**

(a) A provider provider, representative, or broker shall not discriminate in the solicitation or making of contracts on the basis of race, age, sex, natural origin, creed, or religion.

(b) A provider provider, representative, or broker shall not pay or offer to pay any finder's fee, commission, or other compensation to any viator's physician, attorney, accountant, or other person providing medical, legal, or financial planning services to the viator, or to any other person acting as an agent of the viator with respect to the viatical settlement.

(c) ~~Providers and brokers~~ A provider, representative, or broker shall not solicit any investor who could influence the treatment of the illness of the viator whose coverage would be the subject of the investment.

(d) Contacts for the purpose of determining the health status of a viator by a provider provider, representative, or broker after the contract has been signed shall be limited to once every three months for viators with a life expectancy of more than one year, and to no more than one per month for viators with a life expectancy of one year or less. The provider provider, representative, or broker shall explain the procedure for these contacts before the contract is executed.

*History Note: Authority G.S. 58-2-40; 58-58-42; Eff. February 1, 1996;*

*Temporary Amendment Eff. December 1, 1999.*

### **.1709 DISCLOSURE**

(a) Every provider shall deliver an information booklet to every viator. Delivery of the booklet shall be acknowledged by the viator in the application form. The information booklet shall include the following

- (1) How viatical settlements operate.
- (2) Possible alternatives to viatical settlements for persons with catastrophic or life-threatening illnesses, including accelerated death benefits offered by the issuer of the life insurance policy or certificate or loans secured by the life insurance policy or certificate.
- (3) Any tax consequences that may result from entering into a contract.
- (4) Any consequences of interruption or loss of assistance as provided by medical or public assistance programs.
- (5) The viator's right to rescind a contract.
- (6) The identity of any person who will receive any fee or compensation from the provider with respect to the contract and the amount and terms of such compensation.
- (7) The provider's complete name, main office address, and telephone number.

(b) The provider shall disclose to the viator, either on the application or through the information booklet, that the proceeds payable to the viator may not be exempt from the viator's creditors, personal representatives, trustees in bankruptcy and receivers in state and federal courts.

(c) The provider shall disclose to each viator, either on the application or through the information booklet, that the proceeds under a contract will be made in a lump sum. The disclosure shall state that the installment payments are not



permissible unless the provider is a licensed insurance company or the provider has effected the purchase of an annuity or similar financial instrument issued by a licensed insurance company.

(d) The provider shall disclose on the application or through the information booklet that medical, financial, or other personal information obtained from the viator will not be disclosed to any other person without the viator's specific written consent.

(e) The provider shall disclose on the application or through the information booklet the procedures available concerning the payment of death benefit proceeds for any insured other than the viator or for the payment of accidental death proceeds.

(f) The provider, upon receipt of an application to viaticate and after determining the value to be offered in return for the assignment or transfer of the death benefit or ownership of a life insurance policy or certificate to the provider, shall deliver a proposal to the viator before the contract is to be signed. The proposal shall disclose the following information:

- (1) Insurance contract death benefit in each of the next 10 years if the insurance contract is not viaticated.
- (2) Amount of death benefit to be viaticated.
- (3) Policy cash value before deducting any loan.
- (4) Policy net cash value after deducting any loan.
- (5) Policy death benefit less net cash value.
- (6) Amount offered to viator.
- (7) Whether any supplemental benefit or benefits including the following benefits, are present, will be continued and, if so, the source of premium payment and the beneficiary of the proceeds of such supplemental benefit: benefit, and the provider's interest in each benefit:
  - (A) Accidental death and dismemberment benefit: benefit, including the amount of the benefit.
  - (B) Disability income.
  - (C) Waiver of premium or of monthly deduction waiver.
  - (D) Guaranteed insurability options.
  - (E) Children or spouse coverage.
- (8) Name of the insurer, and whether the insurer does or does not have an accelerated death benefit program for which the viator qualifies.

(9) The information required by G.S. 58-58-42(g1).

(g) The proposal shall include a notice stating that a detailed description of how the payment amount was determined, including interest rate, expense factors, and the assumed life expectancy used in the determination, may be obtained by a written request made to the provider.

(h) Upon a written request by the viator for a detailed description of how the payment amount was determined, the provider shall provide a detailed description stating the assumed life expectancy in months, the interest rate used to discount the amount at risk, the adjustments, if any, for future premiums, dividends and additional amounts, broker's or representative's compensation, and retention for other expenses, risk charge, and profit.

(i) Every broker and representative shall provide a written statement to every viator before completion of any application to viaticate that describes how the broker and representative will be compensated.

(j) The provider shall disclose to the viator, either on the application or in the information booklet, the provision in G.S. 58-58-42(g)(7).

(k) The provider shall disclose on the application or in the information booklet that the identity of the viator will not be disclosed except under the conditions set forth in G.S. 58-58-42(e1)(1) through (3) or as otherwise allowed or required by law. The provider shall provide the conditions in G.S. 58-58-42(e1)(1) through (3) to the viator.

*History Note: Authority G.S. 58-2-40; 58-58-42;*

*Eff. February 1, 1996;*

*Temporary Amendment Eff. December 1, 1999.*

\*\*\*\*\*

**Rule-making Agency:** NC Department of Insurance

**Rule Citation:** 11 NCAC 13 .0317-.0318, .0324, .0326, .0406

**Effective Date:** December 1, 1999

**Findings Reviewed and Approved by:** Beecher R. Gray

**Authority for the rule-making:** G.S. 58-2-40; 58-3-145; 58-35-85

**Reason for Proposed Action:**

*11 NCAC 13 .0317-.0318, .0324, .0326 - The 1999 Session of the NC General Assembly made many changes to the regulation of premium finance companies in S.L. 1999-157 which requires the amendments and adoption of a new rule.*

*11 NCAC 13 .0406 - The 1999 Session of the NC General Assembly rewrote the law prohibiting the use of credit cards in the business of insurance requiring the repeal of this rule.*

**Comment Procedures:** *Written comments for 11 NCAC 13 .0317-.0318, .0324, .0326 may be sent to Fred Mohn, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611, and written comments for 11 NCAC 13 .0406 may be sent to Ellen Sprenkel at the same address.*

**CHAPTER 13 - SPECIAL SERVICES DIVISION**

**SECTION .0300 - INSURANCE PREMIUM FINANCE COMPANIES**

**.0317 TEN-DAY NOTICE**

The ten-day written notice of intent to cancel as described in G.S. 58-35-85(1) shall include the name and address of the premium finance company, the premium finance agreement number, the date the notice is mailed; delivered or sent, and

the amount of the installment in default. A copy of the ten-day notice, or a listing of delinquent insureds showing the same general information shall be sent to the insurance agent shown on the premium finance agreement at the same time notice is given to the insured.

*History Note:* Authority G.S. 58-2-40; 58-35-85 (1);  
Eff. February 1, 1976;  
Readopted Eff. January 1, 1978;  
Amended Eff. April 1, 1996; May 1, 1989;  
Temporary Amendment Eff. December 1, 1999.

**.0318 NOTICE OF CANCELLATION**

The notice of cancellation as described in G. S. 58-35-85(2) shall be signed by the owner or an officer of the premium finance company (the owner or officer's facsimile signature may be used), shall have in bold print at its top the wording "Notice of Cancellation" and shall include the name and address of the insured; the name and address of the insurance company; the name and address of the premium finance company; the insurance company policy number; a certification that the ten-days notice of intent to cancel has been furnished to the insured; the authority under which the policy is to be cancelled; the date the notice of cancellation is mailed delivered or sent to the insured and to the insurance company; the effective date of cancellation; and a notice stating, "If automobile liability insurance is included, you are cautioned that financial responsibility is required to be maintained continuously throughout the registration period and that operation of a motor vehicle without maintaining such financial responsibility is a misdemeanor, the penalty for which is loss of registration plate, and fine or imprisonment, in accordance with the motor vehicle laws of the State of North Carolina as they may be amended from time to time".

*History Note:* Authority G.S. 58-2-40; 58-35-85(2);  
Eff. February 1, 1976;  
Readopted Eff. January 1, 1978;  
Amended Eff. December 1, 1993; September 1, 1991; May 1, 1989; July 1, 1986;  
Temporary Amendment Eff. December 1, 1999.

**.0324 DISHONORED CHECKS**

Upon a cancellation when the insurer has received notice that the return premium has been assigned to a premium finance company, the insurer shall, within 60 days of such notice, forward to the premium finance company any gross unearned premium. When the gross unearned premium is in excess of that amount due to the premium finance company, the premium finance company shall, within ten business days, forward such excess amount to the insured by mailing it to the last known address of the insured. In the event that the If, for the premium being financed, an insurance agent holds a bad dishonored check given by the insured as down payment down payment, on the contract in question; certification to the licensee premium finance company by the agent that he holds

a bad dishonored check and that the agent agrees to hold the licensee premium finance company harmless shall entitle the licensee premium finance company to make any remittance due the insured to the agent and not to the insured, provided that no remittance of return premium due the insured shall be made to the agent in any amount in excess of the amount of the bad dishonored check. A copy of the bad dishonored check shall be submitted to the licensee premium finance company by the agent at the time of certification.

*History Note:* Authority G.S. 58-2-40; 58-35-85;  
Eff. January 1, 1978;  
Amended Eff. May 1, 1989; July 1, 1986;  
Temporary Amendment Eff. December 1, 1999.

**.0326 PREMIUM FINANCE AGREEMENT TYPE STANDARD**

The printed portion of each original premium finance agreement shall be in eight point type. An inadvertent change in the type size caused by facsimile or other electronic transmission, copying, or other means is not a violation of this Rule.

*History Note:* Authority G.S. 58-2-40; 58-35-50;  
Temporary Adoption Eff. December 1, 1999.

**SECTION .0400 - MOTOR CLUBS**

**.0406 USE OF CREDIT CARDS PROHIBITED**

No motor club licensed in this state shall use, employ or avail itself of the facilities of any person, firm or corporation engaged in the credit card business (as defined in General Statute 58-61.2) to solicit, accept payment upon, or negotiate any motor club membership if a contract of insurance is a part of the motor club membership.

*History Note:* Authority G.S. 66-49.13(5); 58-61.2;  
Eff. February 1, 1976;  
Readopted Eff. January 1, 1978;  
Temporary Repeal Eff. December 1, 1999.

**TITLE 15A -DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**Rule-making Agency:** *Environmental Management Commission*

**Rule Citation:** *15A NCAC 2B .0230*

**Effective Date:** *November 24, 1999*

**Findings Reviewed by Julian Mann:** *Approved*

**Authority for the rule-making:** *G.S. 143-214.1; 143-214.7; 143-215; 143-215.3; 143-215.6A-C*



WITH WETLANDS STANDARDS

**Reason for Proposed Action:** In June 1998, the Federal Fourth Circuit Court of Appeals overturned the Tulloch rule of the U.S. Army Corps of Engineers which required Section 404 Permits from the Corps (and thereby Section 401 Water Quality Certifications by the N.C. Division of Water Quality) for ditching activities which affected wetlands. Existing EMC rules (15A NCAC 2B .0231 - Wetland Standards) were then examined by DWQ and Attorney General staff and determined to apply to projects which affected wetlands through draining. However the Clean Water Act lists several exemptions to Section 404(f)(1) and the Attorney General staff also determined that these exemptions were not covered by existing EMC rules. This regulatory action by the EMC is intended to reinstate the 404(f)(1) exemptions as provided in Clean Water Act and as relied upon by various groups for several decades. The reason for the temporary rule is to answer the unforeseen consequence (the impact on 404(f)(1) exempt activities) due to the court ruling. DWQ staff worked with several interested parties during 1999 to obtain their input into the rule which resulted in a delay in EMC adoption of the rule until October 1999.

This rule lists several activities which are deemed to comply with wetland standards as long as the listed, appropriate Best Management Practices are followed. These exemptions mirror those in Section 404(f)(1) of the Clean Water Act which have been relied upon by the public for several decades. As long as the Best Management Practices are followed, the activity is in compliance with wetland standards and thereby not subject to enforcement activities by the N.C. Division of Water Quality.

**Comment Procedures:** Comments may be submitted to John Dorney, DENR, Water Quality Lab., 1621 Mail Service Center, Raleigh, NC 27699-1621. Comments are sought by the N.C. Environmental Management Commission as to whether and, if so, how to require prior notification to DWQ by individuals and corporations when and where they propose to conduct an activity listed in this Rule. Notification could be for all activities listed in this Rule or only for a subset of these activities such as those which construct new ditches. Notification could include the landowner name, location of activity, extent of activity and verification by the landowner that appropriate Best Management Practices will be followed.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA

.0230 ACTIVITIES DEEMED TO COMPLY

(a) The following activities for which Section 404 permits are not required pursuant to Section 404(f)(1) of the Clean Water Act and which are not recaptured into the permitting process pursuant to Section 404(f)(2) are deemed to be in compliance with wetland standards in 15A NCAC 2B .0231 provided that they comply with the most current versions of the federal regulations to implement Section 404 (f) (US Environmental Protection Agency and US Army Corps of Engineers) and the Sedimentation Pollution Control Act, G.S. 113A, Article 4:

- (1) normal silviculture and normal on-going farming and ranching, including activities such as plowing, seeding, cultivating, minor drainage and harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices, provided that relevant silvicultural activities comply with U.S. Environmental Protection Agency and U.S. Army Corps of Engineers Memorandum to the Field entitled "Application of Best Management Practices to Mechanical Silvicultural Site Preparation Activities for the Establishment of Pine Plantations in the Southeast", November 28, 1995;
- (2) maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures;
- (3) construction and maintenance of farm or stock ponds or irrigation ditches. In addition, new pond construction in designated river basins with riparian buffer protection regulations also must comply with relevant portions of those regulations;
- (4) maintenance of drainage ditches, provided that spoil is removed to high ground, placed on top of previous spoil, or placed parallel to one side or the other of the ditch within a distance of 20 feet and spoils are placed in a manner that minimizes damages to existing wetlands; and ditch maintenance is no greater than the original depth, length and width of the ditch;
- (5) construction of temporary sedimentation basins on a construction site, provided that the basins are restored to natural grade and stabilized within two months of completion of the project and native woody vegetation is reestablished during the next appropriate planting season and maintained;
- (6) construction or maintenance of farm roads, forest roads, and temporary roads for moving mining equipment where such roads are constructed and maintained in accordance with best management practices, as defined in 40 CFR 232.2 (c) (6) (i-xv), to assure that flow and circulation patterns and chemical and biological characteristics of the navigable waters is not impaired, that the reach of navigable waters is not reduced, and that any adverse effects on the aquatic environment will be otherwise minimized.

(b) Where the Director determines, in consultation with the US Army Corps of Engineers or the US Environmental Protection Agency, and considering existing or projected environmental impact, that an activity is not exempt from permitting under Section .04(f) and therefore, is not deemed to comply with the wetland standards in Rule .0231; or where the appropriate Best Management Practices are not implemented and maintained in accordance with Paragraph (a) of this Rule, the Director may require restoration of the wetlands as well as imposition of enforcement measures as authorized by G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties) and G.S. 143-215.6C (injunctive relief).

*History Note: Authority G.S. 143-214.1; 143-214.7; 143-215; 143-215.3; 143-215.6A-C;*

*Temporary Adoption Eff. November 24, 1999.*

\*\*\*\*\*

**Rule-making Agency:** *Environmental Management Commission*

**Rule Citation:** *15A NCAC 2Q .0102-.0103, .0202, .0502-.0503, .0507-.0508*

**Effective Date:** *December 1, 1999*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 143-212.213; 143-215.3(a)(1); 143-215.65,66; 143-215.107(a)(4), (a)(10); 143-215.108; 150B-21*

**Reason for Proposed Action:** *The Title V permitting rules are being modified in order to correct deficiencies previously identified by the EPA so that the State can gain final EPA approval of its Title V program.*

**Comment Procedures:** *A public hearing on the permanent version of these rule amendments was held on October 26, 1999 (See October 1, 1999 NC Register). The temporary version of these Rules does not differ from the permanent version. Comments were taken at the public hearing and were accepted through November 1, 1999.*

## **CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

### **SUBCHAPTER 2Q - AIR QUALITY PERMIT PROCEDURES**

#### **SECTION .0100 - GENERAL PROVISIONS**

#### **.0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS**

(a) This Rule does not apply to facilities required to have a permit under Section .0500 of this Subchapter. This Rule applies only to permits issued under Section .0300 of this Subchapter.

(a)(b) If a source is subject to any of the following rules, then the source is not exempted from permit requirements, and the exemptions in Paragraph (b) of this Rule do not apply:

- (1) new source performance standards under 15A NCAC 2D .0524 or 40 CFR Part 60, except:
  - (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units; units located at a facility not required to be permitted under Section .0500 of this Subchapter;
  - (B) 40 CFR Part 60, Subpart Subparts K, Ka, or Kh, volatile organic liquid storage vessels; vessels located at a facility not required to be permitted under Section .0500 of this Subchapter;
  - (C) 40 CFR Part 60, Subpart AAA, new residential wood heaters; or
  - (D) 40 CFR Part 60, Subpart WWW, municipal solid waste landfills; landfills not required to be permitted under Section .0500 of this Subchapter;
- (2) national emission standards for hazardous air pollutants under 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;
- (3) prevention of significant deterioration under 15A NCAC 2D .0530;
- (4) new source review under 15A NCAC 2D .0531 or .0532;
- (5) sources of volatile organic compounds subject to the requirements of 15A NCAC 2D .0900 that are located in Mecklenburg County in accordance with 15A NCAC 2D .0902;
- (6) sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under 15A NCAC 2D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have a permit under Section .0500 of this Subchapter; or
- (7) sources at facilities subject to 15A NCAC 2D .1100. (If a source does not emit a toxic air pollutant for which the facility at which it is located has been modeled, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (b) of this Rule).

(b) (c) The following activities do not need a permit or permit modification under Section .0300 of this Subchapter; however, the Director may require the owner or operator of these activities to register them under 15A NCAC 2D .0200:

- (1) activities exempted because of category: category (These activities shall not be included on the permit application or in the permit.):
  - (A) maintenance, upkeep, and replacement:



- (i) maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of regulated air pollutants;
  - (ii) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;
  - (iii) use of office supplies, supplies to maintain copying equipment, or blueprint ~~machines~~; machines;
  - (iv) use of fire fighting equipment;
  - (v) paving parking lots; or
  - (vi) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;
- (B) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems which do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (C) laboratory activities:
- (i) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
  - (ii) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
  - (iii) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
  - (iv) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter provided the activity produces no commercial product or feedstock material;
- (D) storage tanks:
- (i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas or liquefied petroleum gas;
  - (ii) storage tanks used to store gasoline for which there are no applicable requirements except Stage I controls under 15A NCAC 2D .0928;
  - (iii) storage tanks used solely to store inorganic liquids; or
  - (iv) storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;
- (E) combustion and heat transfer equipment:
- (i) space heaters burning distillate oil, kerosene, natural gas, or liquefied petroleum gas operating by direct heat transfer and used solely for comfort heat;
  - (ii) residential wood stoves, heaters, or fireplaces;
  - (iii) hot water heaters which are used for domestic purposes only and are not used to heat process water;
- (F) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;
- (G) gasoline distribution: (i) gasoline service stations or gasoline dispensing facilities; facilities that are not required to be permitted under Section .0500 of this Subchapter; or (ii) ~~gasoline dispensing equipment at facilities required to be permitted under Section .0500 of this Subchapter if the equipment is used solely to refuel facility equipment;~~
- (H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;
- (I) solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:
- (i) The portable solvent distillation system is not:
    - (I) owned by the facility, and
    - (II) operated at the facility for more than seven consecutive days; and
  - (ii) The material recycled is: is ~~(†)~~ recycled at the site of origin; origin;

- (H) ~~the original material is non-photochemically reactive in accordance with 15A NCAC 2D .0518; Miscellaneous Volatile Organic Compound Emissions; and~~
- (HH) ~~all make up material is non-photochemically reactive in accordance with 15A NCAC 2D .0518;~~
- (J) processes:
  - (i) small electric motor burn-out ovens with secondary combustion chambers or afterburners;
  - (ii) small electric motor bake-on ovens;
  - (iii) burn-off ovens for paint-line hangers with afterburners;
  - (iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
  - (v) blade wood planers planing only green wood;
- (K) solid waste landfills: municipal solid waste landfills not required to be permitted under Section .0500 of this Subchapter (This Part does not apply to flares and other sources of combustion at solid waste landfills.);
- (L) miscellaneous:
  - (i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;
  - (ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;
  - (iii) equipment used for the preparation of food for direct on-site human consumption;
  - (iv) a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act; Act that is not required to be permitted under Section .0500 of this Subchapter;
  - (v) exit gases from in-line process analyzers;
  - (vi) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
  - (vii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment;
- (viii) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds;
- (ix) equipment that does not emit any regulated air pollutants;
- (x) facilities subject only to a requirement under 40 CFR Part 63 ~~that are not required to be permitted under Section .0500 of this Subchapter~~ (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard.);
- (xi) sources for which there are no applicable requirements requirements and that are at a facility not required to be permitted under Section .0500 of this Subchapter; or
- (xii) ~~sources for which there are no applicable requirements and that are at a facility required to be permitted under Section .0500 of this Subchapter following the procedures in Paragraph (c) of this Rule;~~
- (xiii) (xii) animal operations not required to have control technology under 15A NCAC 2D .1800 or not required to be permitted under Section .0500 of this Subchapter. (If an animal operation is required to have control technology, it shall be required to have a permit under this Subchapter.) Subchapter).
- (2) activities exempted because of size or production rate: rate (These activities shall not be included in the permit. If the facility is subject to the permitting procedures under Section .0500 of this Subchapter, these activities shall be listed on the permit application; otherwise, these activities shall not be listed on the permit application.):
  - (A) storage tanks:
    - (i) above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70°F; or
    - (ii) underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70°F;



- (B) combustion and heat transfer equipment: ~~equipment located at a facility not required to be permitted under Section .0500 of this Subchapter:~~
- (i) fuel combustion equipment, except for internal combustion engines, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed of with natural gas or liquefied petroleum gas with a heat input of less than:
    - (I) 10 million BTU Btu per hour for which construction, modification, or reconstruction commenced after June 9, 1989; or
    - (II) 30 million BTU Btu per hour for which construction, modification, or reconstruction commenced before June 10, 1989;
  - (ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels with a heat input rating less than 65 million BTU Btu per hour;
  - (iii) space heaters burning waste oil if:
    - (I) The heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes;
    - (II) The heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and
    - (III) The combustion gases from the heater are vented to the ambient air;
  - (iv) emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that have a rated capacity of no more than:
    - (I) 310 kilowatts (electric) or 460 horsepower for natural gas-fired engines,
    - (II) 830 kilowatts (electric) or 1150 horsepower for liquefied petroleum gas-fired engines,
    - (III) 270 kilowatts (electric) or 410 horsepower for diesel-fired or kerosene-fired engines, or
  - (IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines;
  - (v) portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation;
  - (vi) peak shaving generators that produce no more than 325,000 kilowatt-hours of electrical energy for any 12-month period provided records are maintained to verify the energy production on a monthly basis and on a 12-month basis;
  - (C) gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons; ~~gallons that is not required to be permitted under Section .0500 of this Subchapter;~~
  - (D) processes:
    - (i) printing, graphic arts operations, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices) devices, and solvent cleaning operations located at a facility whose facility-wide actual emissions of: (H) Volatile volatile organic compounds are less than five tons per year, year and (H) Photochemically reactive solvent emissions under 15A NCAC 2D .0518 are less than 30 pounds per day; ~~provided the facility is not required to be permitted under Section .0500 of this Subchapter; (Graphic arts operations, coating operations, and solvent cleaning operations are defined in 15A NCAC 2Q .0803);~~
    - (ii) sawmills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;
    - (iii) perchloroethylene dry cleaners that emits emit less than 13,000 pounds of perchloroethylene per year;

- (iv) electrostatic dry powder coating operations with filters or powder recovery systems including electrostatic dry powder coating operations equipped with curing ovens with a heat input of less than 10,000,000 BTU Btu per hour;
- (E) miscellaneous:
  - (i) any source whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff except:
    - (I) storage tanks,
    - (II) fuel combustion equipment, excluding ~~fuel combustion equipment at facilities required to have a permit under Section .0500 of this Subchapter, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, natural gas, liquefied petroleum gas, or a mixture of these fuels;~~
    - (III) space heaters burning waste oil,
    - (IV) generators, excluding emergency generators, or other non-self-propelled internal combustion engines,
    - (V) bulk gasoline plants,
    - (VI) printing, paint spray booths, or other painting or coating operations,
    - (VII) sawmills,
    - (VIII) perchloroethylene dry cleaners, or
    - (IX) electrostatic dry powder coating operations,

provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or
  - (ii) any facility whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide before air pollution control devices, i.e., uncontrolled emissions, are each less than five tons per year, whose potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rate; rates, and which is not required to have a permit under Section .0500 of this Subchapter;
  - (iii) any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or
  - (iv) any incinerator covered under Subparagraph (c)(4) of 15A NCAC 2D .1201;
- (F) case-by-case exemption: (i) for activities located at facilities not required to have a permit under Section .0500 of this Subchapter, activities that the applicant demonstrates to the satisfaction of the Director:
  - (H) (i) to be negligible in their air quality impacts,
  - (H) (ii) not to have any air pollution control device, and
  - (HH) (iii) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater, greater; or
- (ii) for activities located at facilities required to have a permit under Section .0500 of this Subchapter: activities that the applicant demonstrates to the satisfaction of the Director:
  - (F) to be negligible in their air quality impacts;
  - (H) not to have any air pollution control device;
  - (HH) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater;



- (IV) the potential emissions of each criteria pollutant is less than five tons per year, and
- (V) the potential emissions of each hazardous air pollutant is less than 1000 pounds per year.

(c) The Director shall exempt a source for which there are no applicable requirements at a facility required to have a permit under Section .0500 of this Subchapter from needing a permit if:

- (1) The Director finds that emissions from the source are not likely to cause or contribute to any violation of an ambient air quality standard under Section 15A NCAC 2D .0400, or 40 CFR Part 50; and
- (2) The proposed permit exemption is noticed along with the initial draft permit or the next draft permit revision requiring public notice or draft permit renewal, whichever occurs first, and is subject to public comment procedures in Section .0500 of this Subchapter.

If during the comment period EPA or any other person provides a satisfactory explanation to the Director of why the source should be permitted, the Director shall include the source in the facility's permit; otherwise, the Director shall not include the source in the facility's permit.

(d) (c) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

(e) (d) Emissions from stationary source activities identified in Paragraph (b) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under 15A NCAC 2D .1100 or 2Q .0700 according to 15A NCAC 2Q .0702 (exemptions from air toxic permitting).

(f) (e) The owner or operator of a facility or source claiming an exemption under Paragraph (b) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.

*History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;*

*Eff. July 1, 1994;*

*Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;*

*Temporary Amendment Eff. December 1, 1999.*

## **.0103 DEFINITIONS**

For the purposes of this Subchapter, the definitions in G.S. 143-212 and 143-213 and the following definitions apply:

- (1) "Air Pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the

ambient air. Water vapor is not considered to be an air pollutant.

- (2) "Allowable emissions" mean the maximum emissions allowed by the applicable rules contained in 15A NCAC 2D or by permit conditions if the permit limits emissions to a lesser amount.
- (3) "Alter or change" means to make a modification.
- (4) "Applicable requirements" means:
  - (a) any requirement of Section .0500 of this Subchapter;
  - (b) any standard or other requirement provided for in the implementation plan approved or promulgated by EPA through rulemaking under Title I of the federal Clean Air Act that implements the relevant requirements of the federal Clean Air Act including any revisions to 40 CFR Part 52;
  - (c) any term or condition of a construction permit for a facility covered under 15A NCAC 2D .0530, .0531, or .0532;
  - (d) any standard or other requirement under Section 111 or 112 of the federal Clean Air Act, but not including the contents of any risk management plan required under Section 112 of the federal Clean Air Act;
  - (e) any standard or other requirement under Title IV;
  - (f) any standard or other requirement governing solid waste incineration under Section 129 of the federal Clean Air Act;
  - (g) any standard or other requirement under Section 183(e), 183(f), or 328 of the federal Clean Air Act;
  - (h) any standard or requirement under Title VI of the federal Clean Air Act unless a permit for such requirement is not required under this Section;
  - (i) any requirement under Section 504(b) or 114(a)(3) of the federal Clean Air Act; or
  - (j) any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the federal Clean Air Act, but only as it would apply to temporary sources permitted pursuant to 504(e) of the federal Clean Air Act.
- (5) "Applicant" means the person who is applying for an air quality permit from the Division.
- (6) "Application package" means all elements or documents needed to make an application complete.
- (7) "CFR" means Code of Federal Regulations.
- (8) "Construction" means change in the method of operation or any physical change (including on-site fabrication, erection, installation, replacement, demolition, or modification of a source) that results in a change in emissions or affects the compliance status.

- (9) "Director" means the Director of the Division of Air Quality.
- (10) "Division" means the Division of Air Quality.
- (11) "EPA" means the United States Environmental Protection Agency or the Administrator of the Environmental Protection Agency.
- (12) "EPA approves" means full approval, interim approval, or partial approval by EPA.
- (13) "Equivalent unadulterated fuels" means used oils that have been refined such that the content of toxic additives or contaminants in the oil are no greater than those in unadulterated fossil fuels.
- (14) "Facility" means all of the pollutant emitting activities, except transportation facilities as defined under Rule .0802 of this Subchapter, that are located on one or more adjacent properties under common control.
- (15) "Federally enforceable" or "federal-enforceable" means enforceable by EPA.
- (16) "Fuel combustion equipment" means any fuel burning source covered under 15A NCAC 2D .0503, .0504, .0536, or 40 CFR Part 60 Subpart D, Da, Db, or Dc.
- (17) "Green wood" means wood with a moisture content of 18 percent or more.
- (18) "Hazardous air pollutant" means any pollutant which has been listed pursuant to Section 112(b) of the federal Clean Air Act. Pollutants listed only in 15A NCAC 2D .1104 (Toxic Air Pollutant Guidelines), but not pursuant to Section 112(b), are not included in this definition.
- (19) "Insignificant activities" means activities defined as insignificant activities because of category or as insignificant activities because of size or production rate under Rule .0503 of this Subchapter, any activity exempted under Rule .0102 of this Section.
- (20) "Irrevocable contract" means a contract that cannot be revoked without substantial penalty.
- (21) "Lesser quantity cutoff" means:
  - (a) for a source subject to the requirements of Section 112(d) or (j) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which the following are not required:
    - (i) maximum achievable control technology (MACT) or generally available control technology (GACT), including work practice standards, requirement under Section 112(d) of the federal Clean Air Act;
    - (ii) substitute MACT or GACT adopted under Section 112(i) of the federal Clean Air Act; or
    - (iii) a MACT standard established under Section 112(j) of the federal Clean Air Act;
  - (b) for modification of a source subject to, or may be subject to, the requirements of Section 112(g) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which MACT is not required to be applied under Section 112(g) of the federal Clean Air Act; or
  - (c) for all other sources, potential emissions of each hazardous air pollutant below 10 tons per year and the aggregate potential emissions of all hazardous air pollutants below 25 tons per year.
- (22) "Major facility" means a major source as defined under 40 CFR 70.2.
- (23) "Modification" means any physical change or change in method of operation that results in a change in emissions or affects compliance status of the source or facility.
- (24) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, source, or air pollution control equipment.
- (25) "Peak shaving generator" means a generator that is located at a facility and is used only to serve that facility's on-site electrical load during peak demand periods for the purpose of reducing the cost of electricity; it does not generate electricity for resale. A peak shaving generator may also be used for emergency backup.
- (26) "Permit" means the legally binding written document, including any revisions thereto, issued pursuant to G.S. 143-215.108 to the owner or operator of a facility or source that emits one or more air pollutants and that allows that facility or source to operate in compliance with G.S. 143-215.108. This document specifies the requirements applicable to the facility or source and to the permittee.
- (27) "Permittee" means the person who has received an air quality permit from the Division.
- (28) "Potential emissions" means the rate of emissions of any air pollutant that would occur at the facility's maximum capacity to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a facility to emit an air pollutant shall be treated as a part of its design if the limitation is federally enforceable. Such physical or operational limitations include air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed. Potential emissions include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. Potential emissions do not include a facility's secondary emissions such as those from motor vehicles associated with the facility and do not include emissions from insignificant activities



because of category as defined under Rule .0503 listed in Rule .0102(b)(1) of this Section Subchapter. If a rule in 40 CFR Part 63 uses a different methodology to calculate potential emissions, that methodology shall be used for sources and pollutants covered under that rule.

- (29) "Portable generator" means a generator permanently mounted on a trailer or a frame with wheels.
- (30) "Regulated air pollutant" means:
  - (a) nitrogen oxides or any volatile organic compound as defined under 40 CFR 51.100;
  - (b) any pollutant for which there is an ambient air quality standard under 40 CFR Part 50;
  - (c) any pollutant regulated under 15A NCAC 2D .0524, .1110, or .1111 or 40 CFR Part 60, 61, or 63;
  - (d) any pollutant subject to a standard promulgated under Section 112 of the federal Clean Air Act or other requirements established under Section 112 of the federal Clean Air Act, including Section 112(g) (but only for the facility subject to Section 112(g)(2) of the federal Clean Air Act), (j), or (r) of the federal Clean Air Act; or
  - (e) any Class I or II substance listed under Section 602 of the federal Clean Air Act.
- (31) "Sawmill" means a place or operation where logs are sawed into lumber consisting of one or more of these activities: debarking, sawing, and sawdust handling. Activities that are not considered part of a sawmill include chipping, sanding, planing, routing, lathing, and drilling.
- (32) "Source" means any stationary article, machine, process equipment, or other contrivance, or combination thereof, from which air pollutants emanate or are emitted, either directly or indirectly.
- (33) "Toxic air pollutant" means any of the carcinogens, chronic toxicants, acute systemic toxicants, or acute irritants that are listed in 15A NCAC 2D .1104.
- (34) "Transportation facility" means a complex source as defined at G.S. 143-213(22) that is subject to the requirements of 15A NCAC 2D .0800.
- (35) "Unadulterated fossil fuel" means fuel oils, coal, natural gas, or liquefied petroleum gas to which no toxic additives have been added that could result in the emissions of a toxic air pollutant listed under 15A NCAC 2D .1104.

*History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 143-215.3(a)(1); 143-212; 143-213;

*Eff.* July 1, 1994;

*Amended Eff.* April 1, 1999; July 1, 1998; July 1, 1996;

*Temporary Amendment Eff.* December 1, 1999.

## SECTION .0200 - PERMIT FEES

### .0202 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Actual emissions" means the actual rate of emissions in tons per year of any air pollutant emitted from the facility over the preceding calendar year. Actual emissions shall be calculated using the sources' actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. Actual emissions include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes under Rule .0201 or .0203 of this Section and emissions reporting purposes under Rule .0207 of this Section, actual emissions do not include emissions beyond the normal emissions during violations, malfunctions, start-ups, and shut-downs, do not include a facility's secondary emissions such as those from motor vehicles associated with the facility, and do not include emissions from insignificant activities because of category as defined under Rule .0503 listed in Rule .0102(b)(1) of this Subchapter.
- (2) "Title V facility" means a facility that :
  - (a) has or shall have potential emissions of:
    - (i) 10 tons per year or more of at least one hazardous air pollutant;
    - (ii) 25 tons per year or more of all hazardous air pollutants combined; or
    - (iii) 100 tons per year or more of at least one regulated air pollutant except any pollutant that is regulated solely because it is subject to a regulation or standard under Section 112(r) of the federal Clean Air Act (accidental releases). If a facility has portions of the facility classified under different Major Groups as described in the Standard Industrial Classification Manual, 1987, the portions will be evaluated separately with regard to this threshold; or
  - (b) is a facility required to have a permit under Section .0500 of this Subchapter because the facility was a major facility on or after the first compliance date of any requirement in 40 CFR Part 61 or 63.
- (3) "Synthetic minor facility" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds in Paragraph (2) of this Rule by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations must be enforceable by EPA and may include air pollution control equipment and restrictions on

hours of operation, the type or amount of material combusted, stored, or processed.

- (4) "General facility" means a facility obtaining a permit under Rule .0310 or .0509 of this Subchapter.
- (5) "Small facility" means a facility that is not a Title V facility, a synthetic minor facility, a general facility, nor solely a transportation facility.
- (6) "Before Title V program" means before complete, interim, or partial approval by EPA of the North Carolina program to implement Title V.
- (7) "After Title V program" means after complete, interim, or partial approval by EPA of the North Carolina program to implement Title V.

*History Note:* Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;

*Authority* G.S. 143-215.3(a)(1), (1a), (1b), (1d); 150B-21.6;

*Eff.* July 1, 1994;

*Amended Eff.* July 1, 1996;

Temporary Amendment Eff. December 1, 1999.

## SECTION .0500 - TITLE V PROCEDURES

### .0502 APPLICABILITY

(a) Except as provided in Paragraph (b) of this Rule, the following facilities are required to obtain a permit under this Section:

- (1) major facilities;
- (2) facilities with a source subject to 15A NCAC 2D .0524 or 40 CFR Part 60, except new residential wood heaters;
- (3) facilities with a source subject to 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;
- (4) facilities with a source subject to 15A NCAC 2D .1111 or 40 CFR Part 63 or any other standard or other requirement under Section 112 of the federal Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to rules or requirements under Section 112(r) of the federal Clean Air Act;
- (5) facilities to which 15A NCAC 2D .0517(2), .0528, .0529, or .0534 applies;
- (6) facilities with a source subject to Title IV or 40 CFR Part 72; or
- (7) facilities in a source category designated by EPA as subject to the requirements of 40 CFR Part 70.

(b) This Section does not apply to minor facilities with sources subject to requirements of 15A NCAC 2D .0524, .1110, or .1111 or 40 CFR Part 60, 61, or 63 until EPA requires these facilities to have a permit under 40 CFR Part 70.

~~(c) Research and development operations located at manufacturing facilities shall be considered as a separate and discrete facility for the purposes of determining whether such~~

~~operations constitute a major facility subject to the permitting requirements of this Section. Except where such research and development operations by themselves constitute a major facility, they shall be exempted from the permitting requirements of this Section.~~

(d) (c) Once a facility is subject to this Section because of emissions of one pollutant, the owner or operator of that facility shall submit an application that includes all sources of all regulated air pollutants located at the facility except for insignificant activities exempted because of category, category under Rule .0102(b)(1) of this Subchapter.

*History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

*Eff.* July 1, 1994;

*Amended Eff.* July 1, 1996;

Temporary Amendment Eff. December 1, 1999.

### .0503 DEFINITIONS

For the purposes of this Section, the definitions in G.S. 143-212 and 143-213 and the following definitions apply:

- (1) "Affected States" means all states or local air pollution control agencies whose areas of jurisdiction are:
  - (a) contiguous to North Carolina and located less than  $D=Q/12.5$  from the facility, where:
    - (i)  $Q$  = emissions of the pollutant emitted at the highest permitted rate in tons per year, and
    - (ii)  $D$  = distance from the facility to the contiguous state or local air pollution control agency in miles unless the applicant can demonstrate to the satisfaction of the Director that the ambient impact in the contiguous states or local air pollution control agencies is less than the incremental ambient levels in 15A NCAC 2D .0532(c)(5); or
  - (b) within 50 miles of the permitted facility.
- (2) "Complete application" means an application that provides all information described under 40 CFR 70.5(c) and such other information that is necessary to determine compliance with all applicable requirements.
- (3) "Draft permit" means the version of a permit that the Division offers public participation under Rule .0521 of this Section or affected State review under Rule .0522 of this Section.
- (4) "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally



- enforceable emissions cap that the facility has assumed to avoid an applicable requirement to which the facility would otherwise be subject.
- (5) "Final permit" means the version of a permit that the Director issues that has completed all review procedures required under this Section if the permittee does not file a petition under Article 3 of G.S. 150B.
- (6) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- (7) ~~"Insignificant activities" means any activity exempted under Rule .0102 of this Subchapter;~~
- (8) (7) ~~"Insignificant activities exempted because of category" means any activity exempted under 15A NCAC 2Q .0102(b)(1); means:~~
- (a) ~~mobile sources;~~
- (b) ~~air-conditioning units used for human comfort that are not subject to applicable requirements under Title VI of the federal Clean Air Act and do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;~~
- (c) ~~ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;~~
- (d) ~~heating units used for human comfort that do not provide heat for any manufacturing or other industrial process;~~
- (e) ~~noncommercial food preparation;~~
- (f) ~~consumer use of office equipment and products;~~
- (g) ~~janitorial services and consumer use of janitorial products;~~
- (h) ~~internal combustion engines used for landscaping purposes;~~
- (i) ~~new residential wood heaters subject to 40 CFR Part 60, Subpart AAA; and~~
- (j) ~~demolition and renovation activities covered solely under 40 CFR Part 61, Subpart M.~~
- (9)(8) "Insignificant activities exempted because of size or production rate" means any activity exempted under 15A NCAC 2Q .0102(b)(2); whose emissions would not violate any applicable emissions standard and whose potential emission of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants before air pollution control devices, are each below 1000 pounds per year.
- (10)(9) "Minor facility" means any facility that is not a major facility.
- (11)(10) "Operation" means the utilization of equipment that emits regulated pollutants.
- (12)(11) "Permit renewal" means the process by which a permit is reissued at the end of its term.
- (13)(12) "Permit revision" means any permit modification under Rule .0515, .0516, or .0517 of this Section or any administrative permit amendment under Rule .0514 of this Section.
- (14)(13) "Proposed permit" means the version of a permit that the Director proposes to issue and forwards to EPA for review under Rule .0522 of this Section.
- (15)(14) "Relevant source" means only those sources that are subject to applicable requirements.
- (16)(15) "Responsible official" means a responsible official as defined under 40 CFR 70.2.
- (17)(16) "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- (18)(17) "Synthetic minor facility" means a facility that would otherwise be required to follow the procedures of this Section except that the potential to emit is restricted by one or more federally enforceable physical or operational limitations, including air pollution control equipment and restrictions on hours or operation, the type or amount of material combusted, stored, or processed, or similar parameters.
- (19)(18) "Timely" means:
- (a) for initial permit submittals under Rule .0506 of this Section, before the end of the time period specified for submittal of an application for the respective Standard Industrial Classification;
- (b) for a new facility, one year after commencing operation;
- (c) for renewal of a permit previously issued under this Section, nine months before the expiration of that permit;
- (d) for a minor modification under Rule .0515 of this Section, before commencing the modification;
- (e) for a significant modification under Rule .0516 of this Section where the change would not contravene or conflict with a condition in the existing permit, 12 months after commencing operation;
- (f) for reopening for cause under Rule .0517 of this Section, as specified by the Director in the request for additional information by the Director;
- (g) for requests for additional information, as specified by the Director in the request for additional information by the Director; or

- (h) for modifications made under Section 112(j) of the federal Clean Air Act, 18 months after EPA fails to promulgate a standard for that category of source under Section 112 of the federal Clean Air Act by the date established pursuant to Section 112(e)(1) or (3) of the federal Clean Air Act.

*History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 143-215.3(a)(1); 143-212; 143-213;

*Eff.* July 1, 1994;

*Amended Eff.* July 1, 1996;

*Temporary Amendment Eff.* December 1, 1999.

### **.0507 APPLICATION**

(a) Except for:

- (1) minor permit modifications covered under Rule .0515 of this Section,
- (2) significant modifications covered under Rule .0516(c) of this Section, or
- (3) permit applications submitted under Rule .0506 of this Section,

the owner or operator of a source shall have one year from the date of beginning of operation of the source to file a complete application for a permit or permit revision. However, the owner or operator of the source shall not begin construction or operation until he has obtained a construction and operation permit pursuant to Rule .0501(c) or (d) and Rule .0504 of this Section.

(b) The application shall include all the information described in 40 CFR 70.3(d) and 70.5(c), including a list of insignificant activities exempted because of size or production rate; rate under Rule .0102(b)(2) of this Subchapter; but not including insignificant activities exempted because of category; category under Rule .0102(b)(1) of this Subchapter. The application form shall be certified by a responsible official for truth, accuracy, and completeness. In the application submitted pursuant to this Rule, the applicant may attach copies of applications submitted pursuant to Section .0400 of this Subchapter or 15A NCAC 2D .0530 or .0531, provided the information in those applications contains information required in this Section and is current, valid, and complete.

(c) Application for a permit, permit revision, or permit renewal shall be made in accordance with Rule .0104 of this Subchapter on official forms of the Division and shall include plans and specifications giving all necessary data and information as required by the application form. Whenever the information provided on these forms does not describe the source or its air pollution abatement equipment to the extent necessary to evaluate the application, the Director may request that the applicant provide any other information that the Director considers necessary to evaluate the source and its air pollution abatement equipment.

(d) Along with filing a complete application form, the applicant shall also file the following:

- (1) for a new facility or an expansion of existing facility, a consistency determination in accordance with G.S. 143-215.108(f) that:
  - (A) bears the date of receipt entered by the clerk of the local government, or
  - (B) consists of a letter from the local government indicating that all zoning or subdivision ordinances are met by the facility;
- (2) for a new facility or modification of an existing facility, a written description of current and projected plans to reduce the emissions of air contaminants by source reduction and recycling in accordance with G.S. 143-215.108(g); the description shall include:
  - (A) for an existing facility, a summary of activities related to source reduction and recycling and a quantification of air emissions reduced and material recycled during the previous year and a summary of plans for further source reduction and recycling; or
  - (B) for a new facility, a summary of activities related to and plans for source reduction and recycling; and
- (3) if required by the Director, information showing that:
  - (A) The applicant is financially qualified to carry out the permitted activities, or
  - (B) The applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged, and has been in substantial compliance with federal and state environmental laws and rules.

(e) The applicant shall submit copies of the application package as follows:

- (1) for sources subject to the requirements of 15A NCAC 2D .0530, .0531, or .1200, six copies plus one additional copy for each affected state that the Director has to notify;
- (2) for sources not subject to the requirements of 15A NCAC 2D .0530, .0531, or .1200, four copies plus one additional copy for each affected state that the Director has to notify.

The Director may at any time during the application process request additional copies of the complete application package from the applicant.

(f) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, submit, as soon as possible, such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source



after the date he filed a complete application but prior to release of a draft permit.

(g) The applicant shall submit the same number of copies of additional information as required for the application package.

(h) The submittal of a complete permit application shall not affect the requirement that any facility have a preconstruction permit under 15A NCAC 2D .0530, .0531, or .0532 or under Section .0400 of this Subchapter.

(i) The Director shall give priority to permit applications containing early reduction demonstrations under Section 112(i)(5) of the federal Clean Air Act. The Director shall take final action on such permit applications as soon as practicable after receipt of the complete permit application.

(j) With the exceptions specified in Rule .0203 (i) of this Subchapter, a non-refundable permit application processing fee shall accompany each application. The permit application processing fees are defined in Section .0200 of this Subchapter. Each permit or renewal application is incomplete until the permit application processing fee is received.

(k) The applicant shall retain for the duration of the permit term one complete copy of the application package and any information submitted in support of the application package.

*History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority* G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

*Eff.* July 1, 1994;

*Amended Eff.* July 1, 1997; July 1, 1996; February 1, 1995;

*Temporary Amendment Eff.* December 1, 1999.

## **.0508 PERMIT CONTENT**

(a) The permit shall specify and reference the origin and authority for each term or condition and shall identify any differences in form as compared to the applicable requirement on which the term or condition is based.

(b) The permit shall specify emission limitations and standards, including operational requirements and limitations, that assure compliance with all applicable requirements at the time of permit issuance.

(c) Where an applicable requirement of the federal Clean Air Act is more stringent than an applicable requirement of rules promulgated pursuant to Title IV, both provisions shall be placed in the permit. The permit shall state that both provisions are enforceable by EPA.

(d) The permit for sources using an alternative emission limit established under 15A NCAC 2D .0501(f) or 15A NCAC 2D .0952 shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(e) The expiration date contained in the permit shall be for a fixed term of five years for sources covered under Title IV and for a term of no more than five years from the date of issuance for all other sources including solid waste incineration units combusting municipal waste subject to standards under Section 129(e) of the federal Clean Air Act.

(f) The permit shall contain monitoring and related recordkeeping and reporting requirements as specified in 40 CFR 70.6(a)(3) and 70.6(c)(1) including conditions requiring:

- (1) the permittee to retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application (Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring information, and copies of all reports required by the permit.);
- (2) the permittee to submit reports of any required monitoring at least every six months. The permittee shall submit reports:
  - (A) on official forms obtained from the Division at the address in Rule .0104 of this Subchapter,
  - (B) in a manner as specified by a permit condition, or
  - (C) on such other forms as approved by the Director; and
- (3) the permittee to report malfunctions, emergencies, and other upset conditions as prescribed in 15A NCAC 2D .0524, .0535, .1110, or .1111 and to report by the next business day deviations from permit requirements or any excess emissions not covered under 15A NCAC 2D .0524, .0535, .1110, or .1111. The permittee shall report in writing to either the Director or Regional Supervisor all other deviations from permit requirements not covered under 15A NCAC 2D .0535 within two business days after becoming aware of the deviation. The permittee shall include the probable cause of such deviation and any corrective actions or preventive measures taken. All deviations from permit requirements shall be certified by a responsible official.

Where appropriate, the Director may allow records to be maintained in computerized form. Monitoring, recordkeeping, and reporting shall not be required for insignificant activities except to the extent necessary to comply with Rule .0207 of this Subchapter.

(g) If the facility is required to develop and register a risk management plan pursuant to Section 112(r) of the federal Clean Air Act, the permit need only specify that the owner or operator of the facility will comply with the requirement to register such a plan. The permit for facilities covered under 15A NCAC 2D .2100, Risk Management Program, shall contain:

- (1) a statement listing 15A NCAC 2D .2100 as an applicable requirement;
- (2) conditions that require the owner or operator of the facility to submit:
  - (A) a compliance schedule for meeting the requirements of 15A NCAC 2D .2100 by the dates provided in 15A NCAC 2D .2101(a); or

(B) as part of the compliance certification under Paragraph (1) of this Rule, a certification statement that the source is in compliance with all requirements of 15A NCAC 2D .2100, including the registration and submission of the risk management plan.

The content of the risk management plan need not itself be incorporated as a permit term or condition.

(h) The permit shall contain a condition prohibiting emissions exceeding any allowances that a facility lawfully holds under Title IV. The permit shall not limit the number of allowances held by a permittee, but the permittee may not use allowances as a defense to noncompliance with any other applicable requirement.

(i) The permit shall contain a severability clause so that various permit requirements will continue to be valid in the event of a challenge to any other portion of the permit.

(j) The permit shall state that noncompliance with any condition of the permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(k) The permit shall state that the permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(l) The permit shall state that the Director may reopen, modify, revoke and reissue, or terminate the permit for reasons specified in Rule .0517 or .0519 of this Section. The permit shall state that the filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition.

(m) The permit shall state that the permit does not convey any property rights of any sort, or any exclusive privileges.

(n) The permit shall state that the permittee shall furnish to the Division, in a timely manner, any reasonable information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permit shall state that the permittee shall furnish the Division copies of records required to be kept by the permit when such copies are requested by the Director. For information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality.

(o) The permit shall contain a provision to ensure that the permittee pays fees required under Section .0200 of this Subchapter.

(p) The permit shall state the terms and conditions for reasonably anticipated operating scenarios identified by the applicant in the application. These terms and conditions shall:

- (1) require the permittee, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the operating scenario under which it is operating;

- (2) extend the permit shield described in Rule .0512 of this Section to all terms and conditions under each such operating scenario; and

- (3) ensure that each operating scenario meets all applicable requirements of Subchapter 2D of this Chapter and of this Section.

(q) The permit shall identify which terms and conditions are enforceable by:

- (1) both EPA and the Division;
- (2) the Division only;
- (3) EPA only; and
- (4) citizens under the federal Clean Air Act.

(r) The permit shall state that the permittee shall allow personnel of the Division to:

- (1) enter the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
- (2) have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
- (3) inspect at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (4) sample or monitor substances or parameters, using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements at reasonable times.

(s) When a compliance schedule is required under 40 CFR 70.5(c)(8) or under a rule contained in Subchapter 2D of this Chapter, the permit shall contain the compliance schedule and shall state that the permittee shall submit at least semiannually, or more frequently if specified in the applicable requirement, a progress report. The progress report shall contain:

- (1) dates for achieving the activities, milestones, or compliance required in the compliance schedule, and dates when such activities, milestones, or compliance were achieved; and
- (2) an explanation of why any dates in the compliance schedule were not or will not be met, and any preventive or corrective measures adopted.

(t) The permit shall contain requirements for compliance certification with the terms and conditions in the permit, including emissions limitations, standards, or work practices. The permit shall specify:

- (1) the frequency (not less than annually or more frequently as specified in the applicable requirements or by the Director) of submissions of compliance certifications;
- (2) a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;
- (3) a requirement that the compliance certification include:



- (A) the identification of each term or condition of the permit that is the basis of the certification;
  - (B) the compliance status as shown by monitoring data and other information reasonably available to the permittee;
  - (C) whether compliance was continuous or intermittent;
  - (D) the method(s) used for determining the compliance status of the source, currently and over the reporting period; and
  - (E) such other facts as the permit may specify to determine the compliance status of the source;
- (4) that all compliance certifications be submitted to EPA as well as to the Division; and
  - (5) such additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the federal Clean Air Act.
- (u) The permit shall contain a condition that authorizes the permittee to make Section 502(b)(10) changes, off-permit changes, or emission trades in accordance with Rule .0523 of this Section.
  - (v) The permit shall include all applicable requirements for

all sources covered under the permit.

(w) The permit shall specify the conditions under which the permit shall be reopened before the expiration of the permit.

(x) If regulated, fugitive emissions shall be included in the permit in the same manner as stack emissions.

(y) The permit shall contain a condition requiring annual reporting of actual emissions as required under Rule .0207 of this Subchapter.

~~(z) The permit shall not include sources for which there are no applicable requirements.~~

(aa) (z) The permit shall not include all sources including insignificant activities.

~~(bb)~~ (aa) The permit may contain such other provisions as the Director considers appropriate.

*History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;*

*Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108;*

*Eff. July 1, 1994;*

*Amended Eff. July 1, 1996;*

*Temporary Amendment Eff. December 1, 1999.*

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of September 30, 1999 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

*These rules, unless otherwise noted, will become effective on the 31st legislative day of the 2000 Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.*

**APPROVED RULE CITATION**

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

11	NCAC 12	.1025*	not required G.S. 150B-21.5(5)	Eff. November 1, 1999
12	NCAC 9A	.0103*	not required G.S. 150B-21.5(a)(6)	Eff. August 1, 2000
12	NCAC 9B	.0106*	not required G.S. 150B-21.5(a)(6)	Eff. August 1, 2000
12	NCAC 9B	.0107	13:19 NCR 1611	
12	NCAC 9B	.0113	13:19 NCR 1611	
12	NCAC 9B	.0201-.0206*	13:19 NCR 1611	
12	NCAC 9B	.0226-.0228*	13:19 NCR 1611	
12	NCAC 9B	.0232-.0233*	13:19 NCR 1611	
12	NCAC 9B	.0305*	13:19 NCR 1611	
12	NCAC 9C	.0211-.0213*	13:19 NCR 1611	
15A	NCAC 2Q	.0702*	13:20 NCR 1735	
15A	NCAC 4C	.0107	13:19 NCR 1651	
15A	NCAC 7H	.1805*	13:16 NCR 1259	
15A	NCAC 10F	.0202*	not required G.S. 150B-21.5(b)(1)	Eff. November 1, 1999
15A	NCAC 16A	.1106	14:01 NCR 12	
15A	NCAC 18A	.1938*	not required G.S. 150B-21.5(a)	Eff. November 1, 1999
15A	NCAC 18A	.1952*	14:03 NCR 234	
15A	NCAC 18A	.1953	14:03 NCR 234	
15A	NCAC 18A	.1954-.1955*	14:03 NCR 234	
15A	NCAC 18A	.1956*	not required G.S. 150B-21.5(a)	Eff. November 1, 1999
15A	NCAC 19A	.0401*	13:24 NCR 2004	
15A	NCAC 19A	.0404	13:24 NCR 2004	
15A	NCAC 19A	.0406	13:24 NCR 2004	
15A	NCAC 19A	.0502*	13:24 NCR 2004	
15A	NCAC 23	.0201-.0202	14:02 NCR 80	
15A	NCAC 23	.0204	14:02 NCR 80	
15A	NCAC 23	.0501	14:02 NCR 81	
15A	NCAC 27	.0101*	13:21 NCR 1789	
15A	NCAC 27	.0110*	13:21 NCR 1789	
15A	NCAC 27	.0201*	13:21 NCR 1789	
15A	NCAC 27	.0301*	13:21 NCR 1789	
15A	NCAC 27	.0410*	13:21 NCR 1790	
15A	NCAC 27	.0420*	13:21 NCR 1790	
15A	NCAC 27	.0430*	13:21 NCR 1791	
15A	NCAC 27	.0601*	13:21 NCR 1792	
15A	NCAC 27	.0801	13:21 NCR 1792	
15A	NCAC 27	.0810*	13:21 NCR 1792	
15A	NCAC 27	.0820*	13:21 NCR 1792	
15A	NCAC 27	.0840*	13:21 NCR 1793	
21	NCAC 20	.0101	13:23 NCR 1942	



21	NCAC	20	.0103-.0106*	13:23 NCR 1942	
21	NCAC	20	.0117*	13:23 NCR 1942	
21	NCAC	20	.0122-.0123*	13:23 NCR 1942	
25	NCAC	1B	.0414*	13:22 NCR 1850	
25	NCAC	1B	.0434*	13:22 NCR 1851	
25	NCAC	1C	.0214*	13:22 NCR 1851	
25	NCAC	1H	.0602*	13:09 NCR 775	
25	NCAC	1J	.0503*	13:09 NCR 777	
25	NCAC	1J	.0506*	13:22 NCR 1852	
25	NCAC	1J	.0603*	13:09 NCR 778	
25	NCAC	1J	.0603*	13:22 NCR 1850	
26	NCAC	1	.0101*	not required G.S. 150B-21.5(a)(4)	Eff. December 1, 1999
26	NCAC	1	.0104*	not required G.S. 150B-21.5(a)(4)	Eff. December 1, 1999
26	NCAC	2C	.0303*	not required G.S. 150B-21.5(a)(4)	Eff. December 1, 1999
26	NCAC	4	.0102*	not required G.S. 150B-21.5(a)(3)(4)	Eff. December 1, 1999
26	NCAC	4	.0103*	not required G.S. 150B-21.5(a)(4)	Eff. December 1, 1999
26	NCAC	4	.0104*	not required G.S. 150B-21.5(a)(4)	Eff. December 1, 1999
26	NCAC	4	.0202*	not required G.S. 150B-21.5(a)(4)	Eff. December 1, 1999

## **TITLE 11 - DEPARTMENT OF INSURANCE**

### **CHAPTER 12 - LIFE AND HEALTH DIVISION**

#### **SECTION .1000 - LONG-TERM CARE INSURANCE**

##### **.1025 SUITABILITY**

(a) Each insurer, except an insurer issuing life insurance that accelerates benefits for long-term care, shall:

- (1) Train its agents in the use of its suitability standards.
- (2) Maintain a copy of its suitability standards and make them available for inspection upon request by the Division.

(b) To determine whether the applicant meets the standards developed by the insurer, the agent and insurer shall develop procedures that take the following into consideration:

- (1) The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage.
- (2) The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs.
- (3) The values, benefits, and costs of the applicant's existing insurance, if any, when compared to the values, benefits, and costs of the recommended purchase or replacement.

(c) The sale or dissemination of information obtained through the personal long-term care insurance worksheet referred to in G.S. 58-55-31(c)(1) by an insurer or an agent to any person outside of the insurance company or insurance agency is prohibited.

(d) Each year the insurer shall report to the Division the total number of applications received from residents of this State, the number of applicants who declined to provide information on the worksheet, the number of applicants who

did not meet the suitability standards, the number of those who chose to confirm after receiving a suitability letter.

(e) An insurer may issue a policy to an applicant that does not meet the financial suitability standards if the applicant signs a waiver acknowledging the suitability results.

*History Note:* Authority G.S. 58-2-40(1); 58-55-30(a); 58-55-31;

*Eff. April 1, 1999;*

*Amended Eff. November 1, 1999.*

## **TITLE 12 - DEPARTMENT OF JUSTICE**

### **CHAPTER 9 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

#### **SUBCHAPTER 9A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

##### **SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES**

##### **.0103 DEFINITIONS**

The following definitions apply throughout this Chapter, except as modified in 12 NCAC 9A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

- (1) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(b).
- (2) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of Crime Control and Public Safety as authorized by G.S. 18B-500.

- (3) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.
- (4) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (5) "Convicted" or "Conviction" means and includes, for purposes of this Chapter, the entry of:
  - (a) a plea of guilty;
  - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
  - (c) a plea of no contest, nolo contendere, or the equivalent.
- (6) "Correctional Officer" means any employee of the North Carolina Department of Correction who is responsible for the custody or treatment of inmates.
- (7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(c) and further includes probation and parole intake officers; probation/parole officers-surveillance; probation/parole intensive officers; and, state parole case analysts.
- (8) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (1) of this Rule.
- (9) "Criminal Justice Training Points" means points earned toward the Criminal Justice Officers' Professional Certificate Program by successful completion of commission-approved criminal justice training courses. Twenty classroom hours of commission-approved criminal justice training equals one criminal justice training point.
- (10) "Department Head" means the chief administrator of any criminal justice agency and specifically includes any chief of police or agency director. "Department Head" also includes a designee formally appointed in writing by the Department head.
- (11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (12) "Educational Points" means points earned toward the Professional Certificate Programs for studies satisfactorily completed for semester hour or quarter hour credit at an accredited institution of higher education. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (13) "Enrolled" means that an individual is currently actively participating in an on-going formal

presentation of a commission-accredited basic training course which has not been concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:

- (a) for law enforcement officers, that the officer is then attending an approved course presentation averaging a minimum of twelve hours of instruction each week; and
  - (b) for Youth Services and Department of Correction personnel, that the officer is then attending the last or final phase of the approved training course necessary for fully satisfying the total course completion requirements.
- (14) "High School" means graduation from a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
  - (15) "In-Service Training" means any and all training prescribed in Subchapter 9E Rule .0102 which must be satisfactorily completed by all certified law enforcement officers during each full calendar year of certification.
  - (16) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a criminal justice agency, based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.
  - (17) "Law Enforcement Code of Ethics" means that code adopted by the Commission on September 19, 1973, which reads:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life. I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.



I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

- (18) "Law Enforcement Officer" means an appointee of a criminal justice agency or of the State or of any political subdivision of the State who, by virtue of his office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from this title are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of Chapter 17E of the General Statutes.
- (19) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of commission-approved law enforcement training courses. Twenty classroom hours of commission-approved law enforcement training equals one law enforcement training point.
- (20) "LIDAR" means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.
- (21) "Local Confinement Personnel" means any officer, supervisor or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or, any officer, supervisor or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.
- (22) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
  - (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly enacted ordinance or criminal statute of this state which is not classified as a Class B Misdemeanor pursuant to Sub-item (22)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic

code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of impaired driving which is expressly included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also specifically included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three [G.S. 20-179(l)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

- (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor manual as published by the North Carolina Department of Justice which is hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There is no cost per manual at the time of adoption of this Rule. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the

offense occurred includes imprisonment for a term of more than six months but not more than two years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

- (23) "Parole Case Analyst" means an employee of the North Carolina Department of Correction who works under the supervision of the North Carolina Parole Commission, whose duties include analyzing and processing cases under consideration for parole, preparing and presenting parole recommendations, analyzing and processing executive clemency matters and interviewing inmates.
- (24) "Pilot Courses" means those courses developed consistent with the curriculum development policy adopted by the Commission on May 30, 1986. This policy shall be administered by the Education and Training Committee of the Commission consistent with 12 NCAC 9C .0404.
- (25) "Probation/Parole Officer" means an employee of the Division of Adult Probation and Parole whose duties include supervising, evaluating, treating, or instructing offenders placed on probation or parole or assigned to any other community-based program operated by the Division of Adult Probation and Parole.
- (26) "Probation/Parole Intake Officer" means an employee of the Division of Adult Probation and Parole, other than a regular Probation/Parole officer, whose duties include conducting, preparing, or delivering investigations, reports, and recommendations, either before or after sentencing, upon the request or referral of the court, the Parole Commission, or the Director of the Division of Adult Probation and Parole.

- (27) "Probation/Parole Intensive Officer" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole officer, probation/parole intake officer, and probation/parole officer-surveillance who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Adult Probation and Parole, whose duties include supervising, investigating, reporting, counseling, treating, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who serves as the lead officer in such a unit.
- (28) "Probation/Parole Officer - Surveillance" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole and a probation/parole intake officer who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Adult Probation and Parole whose duties include supervising, investigating, reporting, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who is trained in community corrections and law enforcement techniques.
- (29) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when an accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited course.
- (30) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band or transmits microwave energy in the 24,050 to 24,250 MHZ frequency (K) band and either of which operates in the stationary and/or moving mode. "Radar" further means a speed-measuring instrument that transmits microwave energy in the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.
- (31) "Resident" means any youth committed to a facility operated by the North Carolina Division of Youth Services.
- (32) "School" or "criminal justice school" means an institution, college, university, academy, or agency which offers criminal justice, law enforcement, penal, correctional, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.



- (33) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.
- (34) "Speed-Measuring Instruments" (SMI) means those devices or systems, including radar time-distance, and LIDAR, formally approved and recognized under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all named devices or systems as specifically referenced in the approved list of 12 NCAC 9C .0601.
- (35) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (36) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.
- (37) "State Youth Services Officer" means an employee of the North Carolina Division of Youth Services whose duties include the evaluation, treatment, instruction, or supervision of juveniles committed to that agency.

*History Note: Filed as a Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;*

*Filed as a Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;*

*Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*

*Eff. January 1, 1981;*

*Amended Eff. November 1, 1981; August 15, 1981;*

*Readopted Eff. July 1, 1982;*

*Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998;*

*January 1, 1995; November 1, 1993; March 1, 1990; July 1, 1989.*

## **SUBCHAPTER 9B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING**

### **SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT**

#### **.0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

(a) Each applicant for employment as a criminal justice officer shall furnish to the employing agency documentary evidence that the applicant has met the educational requirements for the criminal justice field of expected employment.

(b) Documentary evidence of educational requirements shall consist of official transcripts of courses completed or diplomas received from a school which meets the approval guidelines of either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or

comparable out-of-state agency. The Director of the Standards Division shall determine whether other types of documentation will be permitted in specific cases. High school diplomas earned through correspondence enrollment are not recognized toward these minimum educational requirements.

(c) Documentary evidence of completion of the General Educational Development Test shall be satisfied by a certified copy of GED test results showing a total score of not less than 225 points and a minimum score on any single test of 35 points. A certified copy of a military GED diploma may be used as alternate evidence of GED completion.

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2000.*

### **SECTION .0200 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION**

#### **.0201 ADMINISTRATION OF CRIMINAL JUSTICE SCHOOLS**

(a) The executive officer or officers of the institution or agency sponsoring any criminal justice training program or course of instruction shall have primary responsibility for implementation of these Rules and standards and for administration of the school. The executive officer or officers of the institution or agency shall secure School Accreditation pursuant to 12 NCAC 9C .0401 prior to offering any criminal justice training course.

(b) The executive officers shall designate not more than one compensated staff member for each commission-accredited program for which the institution or agency has been granted accreditation. Such staff member shall be certified by the Commission under Section .0500 of this Subchapter to be the criminal justice School Director. The School Director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and generally managing each sponsored accredited criminal justice training course. If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant must be designated to assist the School Director in the administration of the course. This person must be selected by the School Director and must attend a course orientation conducted by Standards Division staff and attend the annual School Directors' Conference.

(c) The School Director shall permanently maintain records of all criminal justice training courses sponsored or delivered by the school, reflecting:

- (1) course title;
- (2) delivery hours of course;
- (3) course delivery dates;

- (4) names and addresses of instructors utilized within designated subject-matter areas; and
  - (5) a roster of enrolled trainees, showing class attendance and designating whether each trainee's course participation was successful or unsuccessful;
  - (6) copies of all rules, regulations and guidelines developed by the School Director;
  - (7) documentation of any changes in the initial course outline, including substitution of instructors; and
  - (8) documentation of make-up work achieved by each individual trainee, including test scores and methods.
- (d) The executive officers of the institution or agency sponsoring any criminal justice training program or course of instruction shall meet or exceed the following specifications:
- (1) acquire and allocate sufficient financial resources to provide commission certified instructors and to meet other necessary program expenses;
  - (2) provide one designated clerical support person to assist the School Director in maintaining required records, complete reports, and provide other clerical needs as required by the School Director;
  - (3) provide or make available suitable facilities, equipment, materials, and supplies for comprehensive and qualitative course delivery, specifically including the following:
    - (A) a comfortable, well-lighted and ventilated classroom with a seating capacity sufficient to accommodate all attending trainees; specifically:
      - (i) provide a minimum of 24 square feet of floor space per trainee;
      - (ii) provide over-head lighting measuring at a minimum, 70 foot candles at desk level;
      - (iii) provide an adult size table and chair for each trainee;
    - (B) audio-visual equipment and other instructional devices and aids necessary and beneficial to the delivery of effective training;
    - (C) a library for trainees' use covering the subject-matter areas relevant to the training course, maintained in current status and having sufficient copies for convenient trainee access;
    - (D) a firearms firing range designed for criminal justice firearms instruction to conduct the basic recruit firearms course, with the following specifications:
      - (i) an operational public address system of sufficient volume to be audible to persons wearing ear plugs or other hearing protection while firearms are being discharged;
      - (ii) an emergency first-aid kit;
      - (iii) access limited to criminal justice trainees, criminal justice instructors, and personnel authorized by the School Director when firearms are being discharged;
      - (iv) warning signs posted at all access points which clearly identify the area as a criminal justice firing range;
      - (v) restrooms, drinking water and a rain-resistant shelter for personnel engaged in training; and
      - (vi) telephone or radio communications immediately available to range instructors;
- (E) a driving range designated for criminal justice training, adequate in size and design to safely conduct the law enforcement basic recruit driving course, with the following specifications:
- (i) secured by barriers from through traffic while training is being conducted on the range;
  - (ii) warning signs posted at all vehicle access points that shall clearly identify the area as a law enforcement training driving range and limit access to criminal justice trainees, criminal justice instructors, and personnel authorized by the School Director;
  - (iii) an emergency first-aid kit;
  - (iv) access to at least two automobiles designed and equipped for criminal justice driver training;
  - (v) restrooms and drinking water for personnel engaged in training; and
  - (vi) telephone or radio communications immediately available to range instructors;
- (F) a suitable area designated for subject control/arrest techniques instruction which enables the safe execution of this topical area, with the following specifications:
- (i) permanent or portable cushioned floor matting;
  - (ii) an emergency first-aid kit; and
  - (iii) telephone or radio communications immediately available to the instructors;
- (G) a suitable area for the conducting of physical fitness training, with the following specifications:
- (i) an obstacle course designed and constructed according to specifications outlined in the Basic Law Enforcement Training Course Management Guide as referenced in 12 NCAC 9B .0205(d);



- (ii) appropriate space for running, weight training, calisthenics; and aerobics;
- (iii) restrooms and drinking water for personnel engaged in training;
- (iv) shower facilities, if physical fitness training is conducted prior to classroom training.

(e) In the event that an institution or agency does not own a required facility, written agreements with other entities must be made to assure use of and timely access to such facilities. A copy of such agreement must be on file for review by Standards Division staff.

(f) Each institution or agency accredited to deliver basic recruit training shall provide access to supplies and equipment for trainee use during course delivery as specified in the Basic Law Enforcement Training Course Management Guide as referenced in 12 NCAC 9B .0205(d).

*History Note: Authority G.S. 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. November 1, 1981;*

*Readopted Eff. July 1, 1982;*

*Amended Eff. August 1, 2000; January 1, 1996; March 1, 1992; January 1, 1985.*

## **.0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

(a) In planning, developing, coordinating, and delivering each commission-accredited criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter. The "Criminal Justice Instructor Training Course" shall be presented with a minimum of 40 hours of instruction each week during consecutive calendar weeks until course requirements are completed.
- (2) Select and schedule instructors who are certified by the Commission
- (3) Provide each instructor with a current commission-approved course outline and all necessary additional information concerning the instructor's duties and responsibilities.
- (4) Review each instructor's lesson plans and other instructional materials for conformance to Commission standards and to minimize repetition and duplication of subject matter.
- (5) Arrange for the timely availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas.
- (6) Develop, adopt, reproduce, and distribute any supplemental rules, regulations, and requirements determined by the school to be necessary or appropriate for:
  - (A) effective course delivery;

- (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
- (C) regulating trainee participation and demeanor and ensuring trainee attendance and maintaining performance records.

(7) If appropriate, recommend housing and dining facilities for trainees.

(8) Administer the course delivery in accordance with Commission procedures and standards, give consideration to advisory guidelines issued by the Commission, and ensure that the training offered is safe and effective.

(9) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated.

(10) Report the completion of each presentation of a Commission-accredited criminal justice training course to the Commission.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-accredited Basic Law Enforcement Training Course, the School Director shall:

- (1) Schedule course presentation to include a minimum of 12 hours of instruction each week during consecutive calendar weeks except that there may be as many as three one-week breaks until course requirements are completed; and
- (2) Schedule only those instructors certified by the Commission to teach those high liability areas as specified in 12 NCAC 9B .0304(a) as either the lead instructor or in any other capacity; and
- (3) With the exception of the First Responder, Physical Fitness, Electrical and Hazardous Materials, and topical areas as outlined in 12 NCAC 9B .0304(a) of this Subchapter, schedule one specialized certified instructor for each six trainees while actively engaged in a practical performance exercise; and
- (4) Schedule one specialized certified instructor for each eight trainees while actively engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques"; and
- (5) Not schedule any single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation; and
- (6) Not less than 15 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the commission a Pre-Delivery Report of Training Course Presentation as set out in 12 NCAC 9C .0211 along with the following attachments:
  - (A) A course schedule showing arrangement of topical presentations and proposed instructional assignments.
  - (B) A copy of any rules, regulations, and requirements for the school. A copy of such

rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course.

- (C) The Director of the Standards Division shall review the submitted Pre-Delivery Report together with all attachments and notify the School Director of any apparent deficiency; and
- (7) Monitor, or designate a certified instructor to monitor, the presentations of all instructors during course delivery and prepare formal written evaluations on their performance and suitability for subsequent instructional assignments.
  - (A) For probationary instructors, these evaluations shall be prepared on Commission forms and forwarded to the Commission. Based on this evaluation, the School Director shall have the responsibility for recommending approval or denial of requests for General Instructor Certification.
  - (B) For all other instructors, these evaluations shall be prepared on Commission forms in accordance with Commission standards as set out in this Chapter. These evaluations shall be kept on file by the school for a period of three years and shall be made available for inspection by a representative of the Commission upon request.
  - (C) Any designated certified instructor who is evaluating the instructional presentation of another instructor shall, at a minimum, hold certification in the same instructional topic area as that for which the instructor is being evaluated; and
- (8) Administer or designate a staff person to administer appropriate tests as determined necessary at various intervals during course delivery:
  - (A) to determine and record the level of trainee comprehension and retention of instructional subject-matter; and
  - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
  - (C) to determine subject or topic areas of deficiency for the application of 12 NCAC 9B .0405(a)(3); and
- (9) During a delivery of Basic Law Enforcement Training, make available to the Commission four hours of scheduled class time and classroom facilities for the administration of a written examination to those trainees who have satisfactorily completed all course work.

- (10) Not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) which shall include:

- (A) a "Student Course Completion" form for each individual enrolled on the day of orientation; and
- (B) a "Certification and Test Score Release" form; and

(c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-accredited "Criminal Justice Instructor Training Course" the School Director shall:

- (1) Schedule course presentation to include a minimum of 40 hours of instruction each week during consecutive calendar weeks until course requirements are completed.
- (2) Schedule at least one evaluator for each six trainees:
  - (A) no evaluator will be assigned more than six trainees during a course delivery; and
  - (B) each evaluator, as well as the instructors, must have successfully completed a Commission-accredited instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
- (C) each instructor and evaluator must document successful participation in a program presented by the Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation.
- (3) Not less than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:
  - (A) a course schedule showing arrangement of topical presentations and proposed instructional assignments; and
  - (B) the names and social security numbers of all instructors and evaluators; and
  - (C) a copy of any rules, regulations, and requirements for the school.

The Director of the Standards Division shall review the submitted Pre-Delivery Report together with all attachments and notify the School Director of any apparent deficiency.

- (4) Not more than 10 days after course completion the School Director shall submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] containing the following:
  - (A) class enrollment roster; and



- (B) a course schedule with designation of instructors and evaluators utilized in delivery; and
- (C) scores recorded for each trainee on both the 80 minute skill presentation and the final written examination; and
- (D) designation of trainees who successfully completed the course in its entirety and whom the School Director finds to be competent to instruct.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-accredited radar, radar and time-distance, or time-distance speed measurement operator training course or re-certification course, the School Director shall:

- (1) select and schedule radar or time-distance speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction. The following requirements apply to operator certification training:
  - (A) Provide to the instructor the Commission form(s) for motor-skill examination on each trainee;
  - (B) Require the instructor to complete the motor-skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument;
  - (C) Require each instructor to sign each individual form and submit the original to the School Director.
- (2) not less than 30 days before the scheduled starting date submit to the Director of the Standards Division a Request for Training Course Presentation.
  - (A) The request shall contain a period of course delivery including the proposed starting date, course location and the number of trainees to be trained in each type of approved speed-measurement instrument;
  - (B) The Director of the Standards Division shall review the request and notify the School Director of the accepted delivery period unless a conflict exists with previously scheduled programs.
- (3) during the delivery of the training course, make available to the Commission two hours of scheduled class time and classroom facilities for the administration of a written examination to the trainee.
- (4) upon completing delivery of the Commission-accredited course, and not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, the School Director shall notify the Commission regarding the progress and achievements of each

trainee by submitting a Post-delivery Report of Training Course Presentation. This report shall include the original motor-skill examination form(s) completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

*History Note: Authority G.S. 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. November 1, 1981;*

*Readopted w/change Eff. July 1, 1982;*

*Amended Eff. August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985.*

#### **.0203 ADMISSION OF TRAINEES**

(a) The school may not admit any individual younger than 20 years of age as a trainee in any non-academic basic criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment with prior written approval from the Director of the Standards Division as long as they turn 20 years of age prior to the date of the State Comprehensive Examination for the course.

(b) The school shall give priority admission in accredited criminal justice training courses to individuals holding full-time employment with criminal justice agencies.

(c) The school may not admit any individual as a trainee in a presentation of the "Criminal Justice Instructor Training Course" who will not meet the minimum education and experience requirements for instructor certification under Rule .0302(1) of this Subchapter within three months of successful completion of the Instructor Training State Comprehensive Examination.

(d) The school shall administer the reading component of a standardized test which reports a grade level for each trainee participating in the Basic Law Enforcement Training Course. The specific type of test instrument shall be determined by the School Director and shall be administered no later than by the end of the first two weeks of a presentation of the Basic Law Enforcement Training Course.

(e) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course unless as a prerequisite the individual has provided to the certified School Director a medical examination report, properly completed by a physician licensed to practice medicine in North Carolina, to determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the Standards Division is authorized to grant an exception to this for a period of time not to exceed the commencement of the physical fitness topical area when failure to timely receive the medical examination report is not due to neglect on the part of the trainee.

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985.*

**.0204 TRAINING COURSE ENROLLMENT**

(a) Any school offering a Basic Law Enforcement Training Course shall have enrolled 10 trainees in the offering.

(b) The school may not enroll any trainee later than the initial day of delivery of an accredited training course unless the trainee's enrollment is pursuant to an authorization of limited enrollment in a subsequent course pursuant to Rule .0405 of this Subchapter or pursuant to prescribed supplementary or remedial training required pursuant to Rule .0402 of this Subchapter.

(c) The school may not enroll more than 18 trainees in a presentation of the "Criminal Justice Instructor Training Course" as constituted under Rule .0209 of this Section.

*History Note: Authority G.S. 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2000; January 1, 1985; November 1, 1981.*

**.0205 BASIC LAW ENFORCEMENT TRAINING**

(a) The basic training course for law enforcement officers consists of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 602 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

- |   |           |
|---|-----------|
| (1) LEGAL UNIT  |           |
| (A) Motor Vehicle Laws                                    | 20 Hours  |
| (B) Preparing for Court and Testifying in Court           | 12 Hours  |
| (C) Elements of Criminal Law                              | 24 Hours  |
| (D) Juvenile Laws and Procedures                          | 8 Hours   |
| (E) Arrest, Search and Seizure-Constitutional Law         | 28 Hours  |
| (F) ABC Laws and Procedures                               | 4 Hours   |
| UNIT TOTAL  | 96 Hours  |
| (2) PATROL DUTIES UNIT                                    |           |
| (A) Techniques of Traffic Law Enforcement                 | 24 Hours  |
| (B) Explosives and Hazardous Materials Emergencies        | 12 Hours  |
| (C) Traffic Accident Investigation                        | 20 Hours  |
| (D) In-Custody Transportation                             | 8 Hours   |
| (E) Crowd Management                                      | 12 Hours  |
| (F) Patrol Techniques                                     | 20 Hours  |
| (G) Law Enforcement Communication and Information Systems | 8 Hours   |
| UNIT TOTAL  | 104 Hours |
| (3) LAW ENFORCEMENT COMMUNICATION UNIT                    |           |
| (A) Dealing with Victims and the Public                   | 10 Hours  |
| (B) Domestic Violence Response                            | 12 Hours  |
| (C) Ethics for Professional Law Enforcement               | 4 Hours   |

- |  |           |
|--|-----------|
| (D) Individuals with Mental Illness and Mental Retardation | 8 Hours   |
| (E) Crime Prevention Techniques                            | 6 Hours   |
| (F) Communication Skills for Law Enforcement Officers      | 8 Hours   |
| UNIT TOTAL   | 48 Hours  |
| (4) INVESTIGATION UNIT                                     |           |
| (A) Fingerprinting and Photographing Arrestee              | 6 Hours   |
| (B) Field Note-taking and Report Writing                   | 12 Hours  |
| (C) Criminal Investigation                                 | 32 Hours  |
| (D) Interviews: Field and In-Custody                       | 16 Hours  |
| (E) Controlled Substances                                  | 10 Hours  |
| UNIT TOTAL   | 76 Hours  |
| (5) PRACTICAL APPLICATION UNIT                             |           |
| (A) First Responder  | 40 Hours  |
| (B) Firearms   | 48 Hours  |
| (C) Law Enforcement Driver Training                        | 40 Hours  |
| (D) Physical Fitness                                       | 8 Hours   |
| (i) Fitness Assessment & Testing                           | 12 Hours  |
| (ii) 1 hour - 3 days a week                                | 34 Hours  |
| (E) Subject Control Arrest Techniques                      | 40 Hours  |
| UNIT TOTAL   | 222 Hours |
| (6) SHERIFF-SPECIFIC UNIT                                  |           |
| (A) Civil Process  | 24 Hours  |
| (B) Sheriffs' Responsibilities: Detention Duties           | 4 Hours   |
| (C) Sheriffs' Responsibilities: Court Duties               | 6 Hours   |
| UNIT TOTAL   | 34 Hours  |
| (7) COURSE ORIENTATION                                     | 2 Hours   |
| (8) TESTING  | 20 Hours  |
| TOTAL COURSE HOURS   | 602 Hours |

(c) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for this basic training course for law enforcement officers as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained from the Academy at the following address:

North Carolina Justice Academy  
Post Office Drawer 99



Salemberg, North Carolina 28385

The Office of Staff Development and Training  
North Carolina Department of Correction  
1001 Mountford Avenue  
Raleigh, North Carolina 27626-0540

(d) The "Basic Law Enforcement Training Course Management Guide" as published by the North Carolina Justice Academy shall be used by certified School Directors in planning, implementing and delivering basic training courses. Each certified School Director shall be issued a copy of the guide at the time of certification at no cost to the accredited school. The public may obtain copies of this guide from the Justice Academy.

*History Note: Filed as a Temporary Amendment Eff. December 14, 1983 for a Period of 120 Days to Expire on April 12, 1984;*

*Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2000; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989.*

**.0206 BASIC TRAINING -- CORRECTIONAL OFFICERS**

(a) The basic training course for correctional officers shall consist of a minimum of 160 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a correctional officer.

(b) Each basic training course for correctional officers shall include the following identified topic areas and minimum instructional hours for each area:

(1) The Division of Prisons Employee	2 Hours
(2) Prison Security Functions and Procedures	4 Hours
(3) Contraband and Techniques of Search	8 Hours
(4) Inmate Supervision	8 Hours
(5) Firearms	24 Hours
(6) Inmate Classification Process and Programs	4 Hours
(7) Understanding Inmate Behavior	12 Hours
(8) Prison Emergency Operations	18 Hours
(9) Radio Communications, Transporting, and Restraints	4 Hours
(10) Basic Life Support	12 Hours
(11) Prison Health Services	2 Hours
(12) Report Writing	6 Hours
(13) You and the Law	4 Hours
(14) Interpersonal Communication Skills	16 Hours
(15) Unarmed Self Defense	18 Hours
(16) Role of the Correctional Witness	4 Hours
(17) Disciplinary & Inmate Grievance Procedures	4 Hours
(18) Administrative Matters, Review and Testing	10 Hours
<b>Total</b>	<b>160 Hours</b>

(c) The "Basic Correction Officer Training Manual" as published by the Department of Correction shall be used as the basic curriculum for delivery of correctional officer basic training courses. Copies of this publication may be inspected at the office of the agency:

and may be obtained from the Department of Correction for fifty dollars (\$50.00) per copy.

(d) Commission-accredited schools that are accredited to offer the "Basic Training: Correctional Officers" course are: The Office of Staff Development and Training of the North Carolina Department of Correction.

(e) Upon successful completion of a commission-accredited training course by correctional trainees, the director of the school conducting such course shall notify the Commission of the satisfactory achievement of trainees by submitting a monthly Report of Training Course Completion referenced in 12 NCAC 9C .0213.

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2000; August 1, 1995; July 1, 1989; February 1, 1987; April 1, 1983.*

**.0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING**

(a) The instructor training course requirement for specialized firearms instructor certification shall consist of a minimum of 83 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized firearms instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers's In-Service Firearms Training and Qualification Program".

(c) Each applicant for specialized firearms instructor training shall:

- (1) have completed the criminal justice general instructor training course; and
- (2) present a written endorsement by a certified school director indicating the student will be utilized to instruct firearms in the Basic Law Enforcement Training Course; or
- (3) present a written endorsement by a department head or certified school director indicating the student will be utilized to instruct firearms in a "Law Enforcement Officer's In-Service Firearms Training and Qualification Program"; and
- (4) possess a valid CPR Certification that included cognitive and skills testing.

(d) Each specialized firearms instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

(1) Orientation/Pretest	8 Hours
(2) Range Operations	38 Hours
(3) Civil Liability	4 Hours
(4) Night Firing	2 Hours

- |   |         |
|---|---------|
| (5) Combat Shooting                           | 8 Hours |
| (6) Mental Conditioning                       | 1 Hour  |
| (7) Shotgun Operation and Firing              | 4 Hours |
| (8) Service Handgun - Operation and Use       | 5 Hours |
| (9) Rifle - Operation and Maintenance         | 4 Hours |
| (10) Service Handgun - Maintenance & Cleaning | 2 Hours |
| (11) Range Medical Emergencies                | 2 Hours |
| (12) In-Service Firearms Requirements         | 2 Hours |
| (13) BLET Lesson Plan Review/Post Test        | 3 Hours |

(e) The "Specialized Firearms Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized firearms instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Firearms Instructor Training" course are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. May 1, 1986;*

*Amended Eff. August 1, 2000; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.*

## **.0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING**

(a) The instructor training course required for specialized driver instructor certification shall consist of a minimum of 35 hours of instruction presented during a continuous period of not more than one week.

(b) Each specialized driver instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice driver instructor in a Basic Law Enforcement Training Course.

(c) Each applicant for specialized driver instructor training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a written endorsement by a certified school director indicating the student will be utilized to instruct driving in Basic Law Enforcement Training Courses;

- (3) possess a valid operator driver's license;
- (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years; and
- (5) possess a valid CPR Certification that included cognitive and skills testing.

(d) Each specialized driver instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

- |   |          |
|---|----------|
| (1) Orientation   | 1 Hour   |
| (2) Lesson Plan Review (BLET)                           | 4 Hours  |
| (3) General Mechanical Knowledge                        | 2 Hours  |
| (4) Before - Operation Inspection                       | 1 Hour   |
| (5) Laws of Natural Force & Operating Characteristics   | 4 Hours  |
| (6) Driver Practicum/Pre-Test                           | 16 Hours |
| (7) Fundamentals of Professional Liability for Trainers | 4 Hours  |
| (8) Course Review/State Exam                            | 3 Hours  |

(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized driver instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Driver Instructor Training" course are: The North Carolina Justice Academy and The North Carolina State Highway Patrol.

*History Note: Authority G.S. 17C-6;  
Eff. May 1, 1986;*

*Amended Eff. August 1, 2000; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.*

## **.0228 BASIC TRAINING -- WILDLIFE ENFORCEMENT OFFICERS**

(a) The basic training course for wildlife enforcement officers appointed by the Wildlife Resources Commission as authorized under General Statute 113-136 shall consist of a minimum of 662 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a wildlife enforcement officer.

(b) Each basic training course for wildlife enforcement officers shall include the following identified topical areas and minimum instructional hours for each area:



(1)	Course Orientation	4 Hours
(2)	Arrest Search & Seizure/Constitutional Law	28 Hours
(3)	Law Enforcement Communications and Information System	8 Hours
(4)	Elements of Criminal Law	24 Hours
(5)	Subject Control/Arrest Techniques	48 Hours
(6)	Juvenile Law and Procedures	8 Hours
(7)	First Responder	40 Hours
(8)	Firearms	60 Hours
(9)	Hunter Safety	12 Hours
(10)	Patrol Techniques	16 Hours
(11)	Field Notetaking and Report Writing	12 Hours
(12)	Domestic Violence Response	12 Hours
(13)	Criminal Investigation	12 Hours
(14)	Field & Custodial Interviews	16 Hours
(15)	Controlled Substances	10 Hours
(16)	ABC Laws and Procedures	4 Hours
(17)	Explosives & Hazardous Materials	12 Hours
(18)	Law Enforcement Drivers Training	48 Hours
(19)	Preparing for Court and Testifying in Court	12 Hours
(20)	Game and Fish Laws	36 Hours
(21)	Motorboat Laws	12 Hours
(22)	Boating Procedures & Small Boat Handling	20 Hours
(23)	Dealing with Problem Animal Situations	4 Hours
(24)	Basic Field Identification of Fishes	6 Hours
(25)	Basic Field Identification of Game Animals, Game Birds and Non-Game Animals	2 Hours
(26)	Identification of Migratory Waterfowl	2 Hours
(27)	Endangered Species	2 Hours
(28)	Trapping	8 Hours
(29)	Water Safety and Swimming	16 Hours
(30)	Knotsmanship, A Practical Use of Rope	2 Hours
(31)	Wildlife Law Enforcement and the Media	8 Hours
(32)	Motorboat Accident Investigation	12 Hours
(33)	Crowd Management	12 Hours
(34)	Radiological Monitoring	12 Hours
(35)	Covert Activities	2 Hours
(36)	Basic Photography	4 Hours
(37)	Motor Vehicle Laws	20 Hours
(38)	Physical Training	60 Hours
(39)	Standardized Field Sobriety Training	32 Hours
(40)	Ethics	4 Hours

(c) The "Wildlife Basic Training Manual" as published by the North Carolina Wildlife Resources Commission shall be used as the basic curriculum for delivery of wildlife enforcement officer basic training courses. Copies of this publication may be inspected at the office of the agency:

The Division of Enforcement Training Office  
North Carolina Wildlife Resources Commission  
512 North Salisbury Street  
Raleigh, North Carolina 27604

and may be obtained from the Wildlife Resources Commission for ninety-five dollars (\$95.00) per copy.

(d) Commission-accredited schools that are accredited to offer the "Basic Training: Wildlife Enforcement Officers" course are: The Division of Enforcement Training Office of the North Carolina Wildlife Resources Commission.

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. February 1, 1987;*

*Amended Eff. August 1, 2000; August 1, 1995; July 1, 1991; July 1, 1989.*

### **.0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING**

(a) The instructor training course required for specialized subject control arrest techniques instructor certification shall consist of a minimum of 80 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized subject control arrest techniques instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice subject control arrest techniques instructor in a Basic Law Enforcement Training Course.

(c) Each applicant for specialized subject control arrest techniques instructor training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by a certified school director indicating the student will be utilized to instruct subject control arrest techniques in Basic Law Enforcement Training Courses; and
- (4) possess a valid CPR Certification that included cognitive and skills testing.

(d) Each specialized subject control arrest techniques instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	1 Hour
(2)	Skills Pre-Test	1 Hour
(3)	Student Instructional Practicum	3 Hours
(4)	Practical Skills Evaluation	3 Hours
(5)	Response to Injury	4 Hours
(6)	Importance of Being Physically Fit and Conducting Safe Warm-Up Exercises	12 Hours
(7)	Safety Guidelines/Rules	2 Hours
(8)	Practical Skills Enhancement	4 Hours
(9)	Subject Control/Arrest Techniques Practical Skills and Instructional Methods	44 Hours
(10)	Fundamentals of Professional Liability For Law Enforcement Trainers	4 Hours
(11)	State Comprehensive Examination/Course Closing	2 Hours
	<b>TOTAL</b>	<b>80 Hours</b>

(e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North

Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized subject control arrest techniques instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Subject Control Arrest Techniques Instructor Training" course are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;*

*Eff. February 1, 1987;*

*Amended Eff. August 1, 2000; August 1, 1995; March 1, 1990; July 1, 1989.*

### **.0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING**

(a) The instructor training course required for specialized physical fitness instructor certification shall consist of a minimum of 47 hours of instruction presented during a continuous period of not more than one week.

(b) Each specialized physical fitness instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice physical fitness instructor in a Basic Law Enforcement Training Course.

(c) Each applicant for specialized physical fitness training shall:

- (1) qualify through one of the following three options:
  - (A) have completed the criminal justice general instructor training course; or
  - (B) hold a current and valid North Carolina Teacher's Certificate and hold a minimum of a baccalaureate degree in physical education and be actively teaching in physical education topics; or
  - (C) be presently instructing physical education topics in a community college, college or university and hold a minimum of a baccalaureate degree in physical education; and
- (2) present a written endorsement by a certified school director indicating the student will be utilized to instruct physical fitness in Basic Law Enforcement Training Courses; and

- (3) present a letter from a physician stating fitness to participate in the course; and
- (4) possess a valid CPR Certification that included cognitive and skills testing.

(d) Each specialized physical fitness instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

- |   |                 |
|---|-----------------|
| (1) Orientation   | 3 Hours         |
| (2) Lesson Plan Review  | 4 Hours         |
| (3) Physical Fitness Assessments, Exercise Programs and Instructional Methods | 24 Hours        |
| (4) Injury Care and Prevention  | 4 Hours         |
| (5) Nutrition   | 6 Hours         |
| (6) Civil Liabilities for Trainers  | 2 Hours         |
| (7) CVD Risk Factors  | 2 Hours         |
| (8) State Examination   | 2 Hours         |
| <b>TOTAL</b>  | <b>47 Hours</b> |

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized physical fitness instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Physical Fitness Instructor Training" course are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;*

*Eff. July 1, 1989;*

*Amended Eff. August 1, 2000; August 1, 1995; March 1, 1990.*

### **SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS**

#### **.0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to run concurrently with the existing General Instructor Certification. The applicant must apply for certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.

(b) The terms of certification as a specialized instructor will be determined by the expiration date of the existing General



**Instructor Certification.** The following requirements shall apply during the initial period of certification:

- (1) where certification for both general probationary instructor and Specialized Instructor Certification is issued on the same date, the instructor will only be required to satisfy the teaching requirement for the general probationary instructor certification. The instructor may satisfy the teaching requirement for the general probationary instructor certification by teaching any specialized topic for which certification has been issued;
- (2) when Specialized Instructor Certification is issued during an existing period of General Instructor Certification, either probationary status or full general status, the specialized instructor may satisfy the teaching requirement for the general certification by teaching the specialized subject for which certification has been issued;
- (3) where Specialized Instructor Certification becomes current with an existing 24 month period of General Instructor Certification, the instructor must teach a minimum of eight hours for each specialized topic for which certification has been issued.

(c) The term of certification as a specialized instructor shall not exceed the 24 month period of full General Instructor Certification. The certification may subsequently be renewed by the Commission at the time of renewal of the full General Instructor Certification. The application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous two-year period. Such documentary evidence shall include, at a minimum, the following:

- (1) proof that the applicant has, within the two-year period preceding application for renewal, instructed at least eight hours in each of the topics for which Specialized Instructor Certification was granted and such instruction must be in a Commission-accredited training course or a Commission-recognized in-service training course. Acceptable documentary evidence shall include official Commission records submitted by School Directors and written certification from a School Director; and either
- (2) a favorable written recommendation from a School Director accompanied by certification that the instructor successfully taught at least eight hours in each of the topics for which Specialized Instructor Certification was granted. Such teaching must have occurred in a Commission-accredited training course or a Commission-recognized in-service training course during the two-year period of Specialized Instructor Certification; or
- (3) a favorable evaluation by a commission or staff member, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited training course or a

Commission-recognized in-service training course, during the two-year period of Specialized Instructor Certification. In addition, instructors evaluated by a Commission or staff member must also teach at least eight hours in each of the topics for which Specialized Instructor Certification was granted.

(d) Certification as a specialized instructor in the First Responder, Physical Fitness, Electrical and Hazardous Materials, and State Youth Services Medical Emergencies topical areas as outlined in Rules .0304(d)(1), (e)(2), (f)(1), and (g) of this Section, specifically those certifications not based upon General Instructor Certification, shall remain in effect for twenty-four (24) months from the date of issuance. During the twenty-four (24) month term all non-Commission certificates required in Rules .0304(d)(1), (e)(2), (f)(1), and (g) for specialized instructor certification in the First Responder, Physical Fitness, Electrical and Hazardous Materials, and State Youth Services Medical Emergencies topical areas must be maintained

(e) All instructors shall remain active during their period of certification. If an instructor does not teach at least eight hours in each of the topic areas for which certification is granted, the certification shall not be renewed for those topics in which the instructor failed to successfully teach. Any specialized instructor training courses previously accepted by the Commission for purposes of certification shall no longer be recognized if the instructor does not successfully teach at least eight hours in each of the specialized topics during the two-year period of which certification was granted. Upon application for re-certification, such applicants shall be required to meet the minimum requirements of Rule .0304 of this Section.

(f) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" is permissible. However, such guest participants are subject to the direct on-site supervision of a Commission-certified instructor and must be authorized by the School Director. A guest participant shall only be used to complement the primary certified instructor of the block of instruction and shall in no way replace the primary instructor.

*History Note: Authority G.S. 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987.*

## SUBCHAPTER 9C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

### SECTION .0200 - FORMS

#### **.0211 PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

The Pre-delivery Report of Training Course Presentation, is a form on which the School Director notifies the Commission

of its intent to present the Basic Law Enforcement Training course. Information requested includes the number of hours; delivery period; location; anticipated number of trainees; and a topical course schedule including proposed instructional assignments.

*History Note: Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000.*

**.0212 POST-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

The Post-Delivery Report of Training Course Presentation, is a form on which the School Director notifies the Commission of the completion of the "Basic Law Enforcement Training " course, together with the achievement and performance level attained by each enrolled trainee. The information requested includes a roster of all trainees enrolled and their employing agencies, a listing of each instructor used in delivering the training with topics presented, and the trainees' scores on each written, oral or motor-skill examination administered by the school. The Student Course Completion form, a part of the Post-Delivery Training Course Report, shall include student name; date of birth; Social Security Number; enrollment status; accredited school identification number; course identification number; student scores in each of the topical areas; and score on the State Comprehensive Examination.

*History Note: Authority G.S. 17C-6; 150B-21.2;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000.*

**.0213 STUDENT COURSE COMPLETION RECORD**

The Student Course Completion Record, is a form used to report the satisfactory completion of training in courses other than the "Basic Law Enforcement Training" course. The Report of Training Course Completion shall include student information, name, date of birth, and Social Security Number; employment information to include department or agency, division where applicable, position name or title, and date of appointment; course information to include course title, location held, course start and end dates, class hours, and total contact hours of instruction. The form must be signed and dated by the School Director along with the name of the accredited institution.

*History Note: Authority G.S. 17C-6; 150B-21.2;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

**SUBCHAPTER 2Q - AIR QUALITY PERMIT  
PROCEDURES**

**.0702 EXEMPTIONS**

(a) A permit to emit toxic air pollutants shall not be required under this Section for:

- (1) residential wood stoves, heaters, or fireplaces;
- (2) hot water heaters that are used for domestic purposes only and are not used to heat process water;
- (3) maintenance, structural changes, or repairs that do not change capacity of that process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of any regulated air pollutant or toxic air pollutant;
- (4) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or non-asbestos bearing insulation removal;
- (5) use of office supplies, supplies to maintain copying equipment, or blueprint machines;
- (6) paving parking lots;
- (7) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emissions of any regulated air pollutant or toxic air pollutant and that does not affect compliance status and, with replacement that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes to the permit;
- (8) comfort air conditioning or comfort ventilation systems that does not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (9) equipment used for the preparation of food for direct on-site human consumption;
- (10) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;
- (11) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
- (12) use of fire fighting equipment;
- (13) the use for agricultural operations by a farmer of fertilizers, pesticides, or other agricultural chemicals containing one or more of the compounds listed in 15A NCAC 2D .1104 if such compounds are applied according to agronomic practices acceptable to the North Carolina Department of Agriculture and the Commission;
- (14) asbestos demolition and renovation projects that comply with 15A NCAC 2D .1110 and that are being done by persons accredited by the Department



- of Health and Human Services under the Asbestos Hazard Emergency Response Act;
- (15) farm and pet incinerators used only to dispose of dead animals as identified in 15A NCAC 2D .1201(d) and (e).
  - (16) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or with air pollution control equipment;
  - (17) laboratory activities:
    - (A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
    - (B) bench scale experimentation, chemical or physical analyses, training or instruction from nonprofit, non-production educational laboratories;
    - (C) bench scale experimentation, chemical or physical analyses, training or instruction from hospital or health laboratories pursuant to the determination or diagnoses of illnesses; and
    - (D) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter provided the activity produces no commercial product or feedstock material;
  - (18) combustion sources as defined in 2Q .0703 until 18 months after promulgation of the MACT or GACT standards for combustion sources; (Within 18 months following promulgation of the MACT or GACT standards for combustion sources, the Commission shall decide whether to keep or remove the combustion source exemption. If the Commission decides to remove the exemption, it shall initiate rulemaking procedures to remove this exemption.)
  - (19) storage tanks used only to store:
    - (A) inorganic liquids with a true vapor pressure less than 1.5 pounds per square inch absolute;
    - (B) fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas, liquefied petroleum gas, or petroleum products with a true vapor pressure less than 1.5 pounds per square inch absolute;
  - (20) dispensing equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;
  - (21) portable solvent distillation systems that are exempted under 15A NCAC 2Q .0102 (b)(1)(I);
  - (22) processes:
    - (A) small electric motor burn-out ovens with secondary combustion chambers or afterburners;
    - (B) small electric motor bake-on ovens;
    - (C) burn-off ovens for paint-line hangers with afterburners;
    - (D) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
    - (E) blade wood planers planing only green wood;
    - (F) saw mills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;
    - (G) perchloroethylene drycleaning processes with 12-month rolling average consumption of:
      - (i) less than 1366 gallons of perchloroethylene per year for facilities with dry-to-dry machines only;
      - (ii) less than 1171 gallons of perchloroethylene per year for facilities with transfer machines only; or
      - (iii) less than 1171 gallons of perchloroethylene per year for facilities with both transfer and dry-to-dry machines;
  - (23) wood furniture manufacturing operations as defined in 40 CFR 63.801(a) that comply with the emission limitations and other requirements of 40 CFR Part 63 Subpart JJ, provided that the terms of this exclusion shall not affect the authority of the Director under 15A NCAC 2Q .0712;
  - (24) gasoline dispensing facilities or gasoline service station operations that comply with 15A NCAC 2D .0928 and .0932 and that receive gasoline from bulk gasoline plants or bulk gasoline terminals that comply with 15A NCAC 2D .0524, .0925, .0926, .0927, .0932, and .0933 via tank trucks that comply with 15A NCAC 2D .0932;
  - (25) the use of ethylene oxide as a sterilant in the production and subsequent storage of medical devices or the packaging and subsequent storage of medical devices for sale if the emissions from all new and existing sources at the facility described in 15A NCAC 2D .0538(d) are controlled at least to the degree described in 15A NCAC 2D .0538(d) and the facility complies with 15A NCAC 2D .0538(e) and (f);
  - (26) bulk gasoline plants, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding the storage and handling of other organic liquids, that comply with 15A NCAC 2D .0524, .0925, .0926, .0932, and .0933; unless the Director finds that a permit to emit toxic air pollutants is required under this Section for a particular bulk gasoline plant; or

(27) bulk gasoline terminals, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding the storage and handling of other organic liquids, that comply with 15A NCAC 2D .0524, .0925, .0927, .0932, and .0933 if the bulk gasoline terminal existed before November 1, 1992; unless:

- (A) the Director finds that a permit to emit toxic air pollutants is required under this Section for a particular bulk gasoline terminal, or
- (B) the owner or operator of the bulk gasoline terminal meets the requirements of 15A NCAC 2D .0927(i);

(b) Emissions from the activities identified in Subparagraphs (a)(24) through (a)(27) of this Rule shall be included in determining compliance with the toxic air pollutant requirements in this Section and shall be included in the permit if necessary to assure compliance.

(c) The addition or modification of an activity identified in Paragraph (a) of this Rule shall not cause the source or facility to be evaluated for emissions of toxic air pollutants.

(d) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45;*

*Eff. July 1, 1998;*

*Rule originally codified as part of 15A NCAC 2H .0610;*

*Amended Eff. July 1, 2000.*

## **CHAPTER 7 - COASTAL MANAGEMENT**

### **SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN**

#### **.1805 SPECIFIC CONDITIONS**

(a) The area in which this activity is being performed must maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and should follow the pre-emergency slopes as closely as possible. The movement of material by a bulldozer, front-end loader, backhoe, scraper or any type of earth moving or construction equipment shall not exceed 1 foot in depth measured from the pre-activity surface elevation.

(b) The activity must not exceed the lateral bounds of the applicant's property unless he has the written permission of the adjoining landowner(s).

(c) Movement of material from seaward of the mean high water line is not authorized.

(d) The activity must not demonstratively increase erosion on neighboring properties.

(e) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized.

The fill areas will be immediately replanted or temporarily stabilized until planting can be successfully completed.

(f) In order to minimize adverse impacts to nesting sea turtles, no work shall occur within the period of May 1 through November 15 of any year, without the prior approval of the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources Commission, the United States Fish and Wildlife Service and the United States Army Corps of Engineers, that the work can be accomplished without adversely impacting sea turtle nests or suitable nesting habitat.

(g) If one contiguous acre or more of oceanfront property is to be excavated or filled, an erosion and sedimentation control plan must be filed with the Division of Land Resources, Land Quality Section, or appropriate local government having jurisdiction. This plan must be approved prior to commencing the land disturbing activity.

*History Note: Authority G.S. 113-229(c); 113A-107(a)(b); 113A-113(b); 113A-118.1;*

*Eff. December 1, 1987;*

*Temporary Amendment Eff. September 2, 1998;*

*Amended Eff. August 1, 2000.*

## **CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

### **SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY**

#### **SECTION .0200 - SAFETY EQUIPMENT AND ACCIDENT REPORTS**

##### **.0202 ACCIDENT REPORTS**

(a) "Boating Accident" Defined. For the purpose of this Regulation a "boating accident" means a collision, accident, casualty or occurrence involving a vessel or its equipment and resulting in damage by or to the vessel, its equipment, or other property; in injury or loss of life to any person; or in the disappearance of any person from a vessel under circumstances which indicate the possibility of death or injury. A "boating accident" includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel other than by theft.

(b) Federal Regulations Adopted. As its regulations governing the reporting of boating accidents and notification of death or disappearance of persons from vessels operating on the waters of this State, the Wildlife Resources Commission incorporates by reference Subpart C of Part 173 of Title 33 of the Code of Federal Regulations, and includes subsequent amendments which will be published in the Federal Register.

(c) Use of Report. The accident reports required under Paragraph (b) of this Rule shall be used in developing statistical data as to the causes and frequency of boating accidents, and in transmittal of information as required by G.S. 75A-12. No such report shall be admissible as evidence.



*History Note:* Authority G.S. 75A-3; 75A-11; 113-307; 33 C.F.R. 174.101 et seq.;  
 Eff. February 1, 1976;  
 Amended Eff. November 1, 1999; August 1, 1988; May 1, 1976.

## CHAPTER 18 - ENVIRONMENTAL HEALTH

### SUBCHAPTER 18A - SANITATION

#### SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS

##### .1938 RESPONSIBILITIES

(a) The permitting of a wastewater system shall be the responsibility of agents authorized by the State in accordance with G.S. 130A-40, 130A-50, and registered with the State of North Carolina Board of Sanitarian Examiners if required in G.S. 90A Article 4.

(b) The person owning or controlling the system shall be responsible for assuring compliance with the laws, rules, and permit conditions regarding system location, installation, operation, maintenance, monitoring, reporting, and repair.

(c) Prior to the issuance of an Improvement Permit or Construction Authorization, plans and specifications may be required by the local health department where there is an unsuitable soil or unsuitable characteristic and shall be required for drainage systems serving two or more lots. These plans and specifications shall be required to be prepared by a person or persons who are licensed or registered to consult, investigate, evaluate, plan or design wastewater systems, soil and rock characteristics, ground water hydrology, or drainage systems if required in G.S. 89C, 89E, 89F, and 90A Article 4.

(d) Any wastewater system which meets one or more of the following conditions shall be designed by a registered professional engineer if required by G.S. 89C:

- (1) The system is designed to handle over 3,000 gallons per day, as determined in Rule .1949(a) or (b) of this Section, except where the system is limited to an individual septic tank system serving an individual dwelling unit or several individual septic tank systems, each serving an individual dwelling unit.
- (2) The system requires pretreatment before disposal, other than by a conventional septic or other system approved under Rule .1957 or .1969 of this Section.
- (3) The system requires use of sewage pumps prior to the septic tank or other pretreatment system, except for systems subject to the North Carolina Plumbing code or which consist of grinder pumps and associated pump basins that are approved and listed in accordance with standards adopted by the National Sanitation Foundation.
- (4) The individual system is required by Rule .1952 of this Section to use more than one pump or siphon in a single pump tank.

- (5) The system includes a collection sewer, prior to the septic tank or other pretreatment system, which serves two or more buildings, except for systems subject to the North Carolina Plumbing Code.
- (6) The system includes structures which have not been pre-engineered.
- (7) The system is designed for the collection, treatment and disposal of industrial process wastewater, except under the following circumstances:

- (A) the State has determined that the wastewater generated by the proposed facility has a pollutant strength which is lower than or equal to domestic sewage, and does not require specialized pretreatment or management, or
- (B) the State has pre-approved a predesigned pretreatment system or process and management method proposed by the facility owner which shall enable the industrial process wastewater to have a pollutant strength which is lower than or equal to domestic sewage.

- (8) Any other system serving a business or multi-family dwelling so specified by the local health department.

(e) The State shall review and approve the system layout on a site plan or plat, plans and specifications for all systems serving a design unit with a design flow greater than 3,000 gallons per day, as determined in Rule .1949(a) or (b) of this Section, except:

- (1) where the system is limited to an individual septic tank system serving an individual dwelling unit or several individual septic tank systems, each serving an individual dwelling unit, or
- (2) where the system consists of individual septic tank systems, each serving an individual facility, and which meets all of the following criteria:
  - (A) each individual system's design flow does not exceed 1500 gallons per day, as determined in Rule .1949(a) or (b) of this Section.
  - (B) the site for the nitrification field and repair area for each individual system is at least 20 feet from any other individual system site, and
  - (C) the design wastewater loading on the lot or tract of land containing the design unit is less than 1,500 gallons per day per acre for new or expanded systems and 3,000 gallons per day/acre for malfunctioning systems.

(f) The state shall also review and approve plans and specifications for any industrial process wastewater system required by this Section to be designed by a registered professional engineer and any other system so specified by the local health department.

(g) For systems that require State review and approval, an improvement permit shall not be issued unless the site plan or plat and system layout, including details for any proposed site modifications, are approved. A Construction Authorization

shall not be issued unless plans and specifications, including methods of operation and maintenance, are approved.

(h) Prior to issuance of the operation permit for a system required to be designed by a registered professional engineer, the owner shall submit to the local health department a statement signed by a registered professional engineer stating that construction is complete and in accordance with approved plans and specifications and approved modifications. Periodic observations of construction and a final inspection for design compliance by the certifying registered professional engineer or his representative shall be required for this statement. The statement shall be affixed with the registered professional engineer's seal.

(i) Plans and specifications required to be prepared by a registered professional engineer shall contain the information necessary for construction of the system in accordance with applicable rules and laws and shall include any of the following, determined to be applicable by the local health department or the State:

- (1) the seal, signature, and the date on all plans and the first sheet of specifications; specifications and reports prepared by the design engineer and licensed or registered professionals who contributed to the plans, specifications, or reports;
- (2) a description of the facilities served and the calculations and basis for the design flow proposed;
- (3) a site plan based on a surveyed plat showing all system components, public water supply sources within 500 feet, private water supplies and surface water supplies within 200 feet, water lines serving the project and within 10 feet of all components, building foundations, basements, property lines, embankments or cuts of two feet or more in vertical height, swimming pools, storm sewers, interceptor drains, surface drainage ditches, and adjacent nitrification fields;
- (4) specifications describing all materials to be used, methods of construction, means for assuring the quality and integrity of the finished product, and operation and maintenance procedures addressing requirements for the system operator, inspection schedules, residuals management provisions, process and performance monitoring schedules, and provisions for maintaining mechanical components and nitrification field vegetative cover;
- (5) plan and profile drawings for collection sewers, force mains and supply lines, showing pipe diameter, depth of cover, cleanout and manhole locations, invert and ground surface elevations, valves and other appurtenances, lateral connections, proximity to utilities and pertinent features such as wells, water lines, storm drains, surface waters, structures, roads, and other trafficked areas;
- (6) plans for all tanks, showing capacity, invert and ground elevations, access manholes, inlet and outlet details, and plans for built-in-place or

nonstate-approved, precast tanks, also showing dimensions, reinforcement details, liquid depth, and other pertinent construction features;

- (7) calculations for pump or siphon sizing, pump curves, and plan and profile drawings for lift stations and effluent dosing tanks, showing anti-buoyancy provisions, pump or siphon locations, discharge piping, valves, vents, pump controls, pump removal system, electrical connection details, and activation levels for pumps or siphons and high-water alarms;
- (8) plan and profile drawings for wastewater treatment plants and other pretreatment systems, including cross-section views of all relevant system components, and data and contact lists from comparable facilities for any non-standard systems;
- (9) plans for nitrification field and repair area, based on an evaluation and report prepared by a person licensed or registered to practice soil science, if required in G.S. 89F showing the following:
  - (A) field locations with existing and final relative contour lines based on field measurements at intervals not exceeding two feet or spot elevations if field areas are essentially flat or of uniform grade;
  - (B) field layout, pipe sizes, length, spacing, connection and clean out details, invert elevations of flow distribution devices and laterals, valves, and appurtenances;
  - (C) trench plan and profile drawings and flow distribution device details; and
  - (D) location and design of associated surface and groundwater drainage systems; and
- (10) any other information required by the local health department or the State.

(j) The entire wastewater sewage system shall be on property owned or controlled by the person owning or controlling the system. Necessary easements, right of ways, or encroachment agreements, as applicable, shall be obtained prior to the issuance of a Construction Authorization for the system installation or repair. Terms of the easement, right-of-way or encroachment agreement shall provide that the easement, right-of-way, or encroachment agreement:

- (1) is appurtenant to specifically described property and runs with the land and is not affected by change of ownership or control;
- (2) is valid for as long as the wastewater system is required for the facility that it is designed to serve;
- (3) describes and specifies the uses being granted and shall include ingress and egress, system installation, operation, maintenance, monitoring, and repairs;
- (4) specifies by metes and bounds description or attached plat, the area or site required for the wastewater system and appurtenances including a site for any required system replacement; and



- (5) shall be recorded with the register of deeds in the county where the system and facility is located.

*History Note:* Authority G.S. 89C; 89E; 89F; 90A; 130A-335(e),(f);

*Eff.* July 1, 1982;

*Amended Eff.* January 1, 1990; April 1, 1985;

*Temporary Amendment Eff.* January 20, 1997;

*Amended Eff.* November 1, 1999; August 1, 1998.

#### **.1952 SEPTIC TANK, EFFLUENT FILTER, DOSING TANK AND LIFT STATION DESIGN**

(a) A septic tank or dosing tank shall be watertight, structurally sound, and not subject to excessive corrosion or decay. Septic tanks shall be of two-compartment design. The inlet compartment of a two-compartment tank shall hold between two-thirds and three-fourths of the total tank capacity. Septic tanks shall have an approved effluent filter and access devices. The effluent filter shall function without a bypass of unfiltered wastewater, sludge or scum. The effluent filter case shall be designed to function as a sanitary tee with the inlet extending down to between 25 and 40 percent of the liquid depth. The requirement(s) for an effluent filter and access devices shall apply to septic tanks for which a Construction Authorization is issued on or after January 1, 1999. A properly designed dosing siphon or pump shall be used for discharging sewage effluent into nitrification lines when the total length of such lines exceeds 750 linear feet in a single system and as required for any pressure-dosed system. When the design daily flow from a single system exceeds 3,000 gallons per day or when the total length of nitrification lines exceeds 2,000 linear feet in a single system, alternating

siphons or pumps shall be used which shall discharge to separate nitrification fields. The dose volume from pump or siphon systems shall be of such design so as to fill the nitrification lines from 66 percent to 75 percent of their capacity at each discharge except as required for low-pressure distribution systems. The discharge rate from dosing systems shall be designed to maximize the distribution of the effluent throughout the nitrification field. Septic tanks installed where the top will be deeper than six inches below the finished grade shall have an access manhole over each compartment with cover, extending to within six inches of the finished grade, having a minimum opening adequate to accommodate the installation or removal of the septic tank lid, septage removal, and maintenance of the effluent filter. When the top of the septic tank or access manhole is below the finished grade, the location of each manhole shall be visibly marked at finished grade. Any system serving a design unit with a design sewage flow greater than 3,000 gallons per day shall have access manholes that extend at least to finished grade and be designed and maintained to prevent surface water inflow. The manholes shall be sized to allow proper inspection and maintenance. All dosing tanks shall have a properly functioning high-water alarm. The alarm shall be audible and visible by system users and weatherproof if installed outdoors. The alarm circuit shall be provided with a manual disconnect in a watertight, corrosion-resistant outside enclosure (NEMA 4X or equivalent) adjacent to the dosing tank.

(b) Minimum liquid capacities for septic tanks shall be in accordance with the following:

- (1) Residential Septic Tanks (for each individual residence or dwelling unit):

Number of Bedrooms	Minimum Liquid Capacity	Equivalent Capacity Per Bedroom
3 or less	900 gallons	300 gallons
4	1,000 gallons	250 gallons
5	1,250 gallons	250 gallons

- (2) Septic tanks for large residences, multiple dwelling units, or places of business or public assembly shall be in accordance with the following:

- (A) The liquid capacity of septic tanks for places of business or places of public assembly with a design sewage flow of 600 gallons per day or less shall be determined in accordance with the following:  $V = 2Q$ ; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow. However, the minimum capacity of any septic tanks shall be 750 gallons.
- (B) Individual residences with more than five bedrooms, multiple-family residences, individual septic tank systems serving two or more residences, or any place of business or public assembly where the design sewage flow is greater than 600 gallons per day, but

less than 1,500 gallons per day, the liquid capacity of the septic tank shall be designed in accordance with the following:  $V = 1.17Q + 500$ ; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow. The minimum liquid capacity of a septic tank serving two or more residences shall be 1,500 gallons.

- (C) Where the design sewage flow is between 1,500 gallons per day and 4,500 gallons per day, the liquid capacity of the septic tank shall be designed in accordance with the following:  $V = 0.75Q + 1,125$ ; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.
- (D) Where the design sewage flow exceeds 4,500 gallons per day, the septic tank shall be designed in accordance with the following: V

= Q; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.

- (E) The minimum liquid capacity requirements of Subparagraph (b)(2) of this Rule shall be met by use of a single two-compartment septic tank or by two tanks installed in series, provided the first tank is constructed without a haffle wall and contains at least two-thirds of the total required liquid capacity.

(c) The following are minimum standards of design and construction of pump tanks and pump dosing systems:

- (1) The liquid capacity of a pump tank shall be considered as the entire internal volume with no additional requirement for freeboard. Pump tanks shall have a minimum liquid capacity in accordance with the following:
  - (A) Pump tanks for systems with nitrification fields installed in Soil Group I, II, or III soils, as defined in these Rules, shall have a minimum liquid capacity equal to two-thirds of the required septic tank liquid capacity.
  - (B) Pump tanks for systems installed in Group IV soils shall have a minimum liquid capacity equal to the required septic tank liquid capacity.
  - (C) The minimum liquid capacity of any pump tank shall be 750 gallons.
  - (D) An alternate method to determine minimum liquid capacity of a pump tank shall be to provide for the minimum pump submergence requirement (Subparagraph (c)(5) of this Rule), the minimum dose volume requirement (Paragraph (a) of this Rule), and the minimum emergency storage capacity requirement. The emergency storage capacity requirement is determined based on the type of facility served, the classification of surface waters which would be impacted by a pump tank failure, and the availability of standby power devices and emergency maintenance personnel. The emergency storage capacity shall be the freeboard space in the pump tank above the high-water alarm activation level plus the available freeboard space in previous tankage and in the collection system below the lowest ground elevation between the pump tank and the lowest connected building drain invert. The minimum emergency storage capacity for residential systems and other systems in full-time use on sites draining into WS-I, WS-II, WS-III, SA, SB, and B waters shall be 24 hours, without standby power, or 12 hours with standby power manually activated, or four hours with standby power automatically activated or

with a high-water alarm automatically contacting a 24-hour maintenance service. The minimum emergency storage capacity for systems not in full-time use and for all systems at sites draining into all other surface waters shall be 12 hours without standby power, or eight hours with standby power manually activated, or four hours with standby power automatically activated or with a high-water alarm automatically contacting a 24-hour maintenance service.

- (E) Notwithstanding Paragraphs (c)(1)(A)-(D), other criteria for pump tank capacity may be approved by the local health department and the State for raw sewage lift stations, pressure sewer systems, and systems with design flows exceeding 3,000 gallons per day.

- (2) The effluent pump shall be capable of handling at least one-half inch solids and designed to meet the discharge rate and total dynamic head requirements of the effluent distribution system. The pump shall be listed by Underwriter's Laboratory or an equivalent third party electrical testing and listing agency, unless the proposed pump model is specified by a registered professional engineer.
- (3) Pump discharge piping shall be of Schedule 40 PVC or stronger material and adequately secured. Fittings and valves shall be of compatible corrosion-resistant material. A threaded union, flange, or similar disconnect device shall be provided in each pump discharge line. All submersible pumps shall be provided with a corrosion-resistant rope or chain attached to each pump enabling pump removal from the ground surface without requiring dewatering or entrance into the tank. Valves shall also be readily accessible from the ground surface.
- (4) Antisiphon holes (three-sixteenth inch) shall be provided when the discharge or invert elevation of the distribution system is below the high-water alarm elevation in the pump tank, or in accordance with pump manufacturer's specifications. Check valves shall be provided when the volume of the supply line is greater than 25 percent of the dosing volume, or in accordance with pump manufacturer's specifications. When provided, the antisiphon hole shall be located between the pump and the check valve.
- (5) Sealed mercury control floats or similar devices designed for detecting liquid levels in septic tank effluent shall be provided to control pump cycles. A separate level sensing device shall be provided to activate the high-water alarm. Pump-off level shall be set to keep the pump submerged at all times or in accordance with the manufacturer's specifications. A minimum of 12 inches of effluent shall be



maintained in the bottom of the pump tank. The high-water alarm float shall be set to activate within six inches of the pump-on level. The lag pump float switch, where provided, shall be located at or above the high-water alarm activation level.

- (6) Pump and control circuits shall be provided with manual circuit disconnects within a watertight, corrosion-resistant, outside enclosure (NEMA 4X or equivalent) adjacent to the pump tank, securely mounted at least 12 inches above the finished grade. The pump(s) shall be manually operable without requiring the use of special tools or entrance into the tank for testing purposes. Conductors shall be conveyed to the disconnect enclosure through waterproof, gasproof, and corrosion-resistant conduits, with no splices or junction boxes provided inside the tank. Wire grips, duct seal, or other suitable material shall be used to seal around wire and wire conduit openings inside the pump tank and disconnect enclosure.
- (7) For systems requiring duplex and multiplex pumps, a control panel shall be provided which shall include short-circuit protection for each pump and for the control system, independent disconnects, automatic pump sequencer, hand-off-automatic (H-O-A) switches, run lights, and elapsed time counters for each pump. Alarm circuits shall be supplied ahead of any pump overload or short circuit protective devices. The control panel must be in a watertight, corrosion-resistant enclosure (NEMA 4X or equivalent) unless installed within a weathertight building. The panel shall be protected from intense solar heating.
- (8) Dual and multiple fields shall be independently dosed by separate pumps which shall automatically alternate. The supply lines shall be "H" connected to permit manual alternation between fields dosed by each pump. "H" connection valving shall be readily accessible from the ground surface, either from the pump tank access manhole or in a separate valve chamber outside the pump tank. Other equivalent methods of dosing dual or multiple fields may be approved by the State.
- (9) The pump tank shall have a properly functioning high-water alarm. The alarm circuit shall be supplied ahead of any pump overload and short circuit protective devices. The alarm shall be audible and visible by system users and weatherproof if installed outdoors in an enclosure (NEMA 4X or equivalent).

(d) Siphons and siphon dosing tanks may be used when at least two feet of elevation drop can be maintained between the siphon outlet invert and the inlet invert in the nitrification field distribution system.

- (1) Siphon dosing tanks shall be designed in accordance with the minimum dose requirements in this Rule and shall meet the construction requirements of this

Section. The siphon dose tank shall provide at least 12 inches of freeboard, and the inlet pipe shall be at least three inches above the siphon trip level. The high-water alarm shall be set to activate within two inches of the siphon trip level.

- (2) Siphon dosing tanks shall have a watertight access opening over each siphon with a minimum diameter of 24 inches and extending to finished grade and designed to prevent surface water inflow.
- (3) The slope and size of the siphon discharge line shall be sufficient to handle the peak siphon discharge by gravity flow without the discharge line flowing full. Vents for the discharge lines shall be located outside of the dosing tank or otherwise designed to not serve as an overflow for the tank.
- (4) All siphon parts shall be installed in accordance with the manufacturer's specifications. All materials must be corrosion-resistant, of cast iron, high density plastic, fiberglass, stainless steel, or equal.
- (5) Siphon dosing tanks shall have a properly functioning high-water alarm that is audible and visible by system users and weatherproof if installed outdoors in an enclosure (NEMA 4X or equivalent).

(e) Raw sewage lift stations shall meet the construction standards of this Section and all horizontal setback requirements for sewage treatment and disposal systems in accordance with Rule .1950(a) of this Section unless the station is a sealed, watertight chamber, in which case the setback requirements for collection sewers in Rule .1950(e) of this Section shall apply. Sealed, watertight chambers shall be of a single, prefabricated unit, such as fiberglass, with sealed top cover, and preformed inlet and outlet pipe openings connected with solvent welds, O-ring seals, rubber boots, stainless steel straps, or equivalent. Dual pumps shall be provided for stations serving two or more buildings or for a facility with more than six water closets. Pumps shall be listed by Underwriter's Laboratories or an equivalent third party electrical testing and listing agency, and shall be grinder pumps or solids-handling pumps capable of handling at least three-inch spheres unless the station serves no more than a single water closet, lavatory, and shower, in which case two-inch solids handling pumps shall be acceptable. Minimum pump capacity shall be 2.5 times the average daily flow rate. The dosing volume shall be set so that the pump-off time does not exceed 30 minutes, except for stations serving single buildings, and pump run-time shall be from three to ten minutes at average flow. Pump station emergency storage capacity and total liquid capacity shall be determined in accordance with Paragraph (c)(1)(D) of this Rule except for a sealed, watertight chamber serving an individual building, in which case a minimum storage capacity of eight hours shall be required. All other applicable requirements for pump tanks and pump dosing systems in accordance with Paragraph (c) of this Rule shall also apply to raw sewage lift stations.

*History Note: Authority G.S. 130A-335 (e), (f) and (f1)[2nd];*

*Eff. July 1, 1982;*

*Amended Eff. August 1, 1991; January 1, 1990;*

*Temporary Amendment Eff. January 1, 1999;*

*Amended Eff. August 1, 2000.*

#### **.1954 MINIMUM STANDARDS FOR PRECAST REINFORCED CONCRETE TANKS**

(a) The following are minimum standards of design and construction of precast reinforced concrete septic tanks:

- (1) The minimum requirement for the liquid depth is 36 inches.
- (2) A minimum of nine inches freeboard is required, the freeboard being the air space between the top of the liquid and the bottom side of the lid or cap of the tank.
- (3) The length of the septic tank shall be at least twice as long as the width.
- (4) There shall be three inlet openings in the tank, one on the tank end and one on each sidewall of the inlet end of the tank. The blockouts for these openings shall leave a concrete thickness of not less than one inch in the tank wall. The blockouts shall be made for a minimum of four-inch pipe or a maximum of six-inch pipe. The outlet pipe penetration of the tank shall be through a resilient, watertight, sealed, non-corrosive and flexible connective sleeve. The outlet pipe penetration shall be precast to be compatible with the connective sleeve. No pipe penetration points or openings shall be permitted below the tank liquid level.
- (5) The inlet pipe in the tank shall be a straight pipe.
- (6) The outlet shall be through an approved effluent filter secured in place in an effluent filter support case. The effluent filter support case shall serve as a functioning sanitary tee with the bottom inlet extending down between 25 and 40 percent of the liquid depth. The approved effluent filter and support case shall be furnished by the septic tank manufacturer. The invert of the outlet shall be at least two inches lower in elevation than the invert of the inlet.
- (7) Other equivalent methods of supporting the effluent filter and for making the pipe penetrations shall be approved by the On-Site Wastewater Section.
- (8) In order to obtain approval of an effluent filter, the filter manufacturer shall submit to the State the following information with supporting documentation:
  - (A) For each septic tank system that is designed to treat 3,000 gallons per day or less of sewage, a written certification that the effluent filter is designed, constructed, and performs in compliance with G.S. 130A-335.1(a)(1)(2)(3), and (4);

(B) Sizing as to capacity and wastewater strength for all models of proposed filters to be approved; and

(C) Specifications for application, installation, operation, and maintenance.

- (9) All tanks shall be manufactured with a cast-in-place partition so that the tank contains two compartments. The partition shall be located at a point not less than two-thirds nor more than three-fourths the length of the tank from the inlet end. The top of the partition shall terminate two inches below the bottom side of the tank top in order to leave space for air or gas passage between compartments. The top and bottom halves of the partition shall be cast in such manner as to leave a water passage slot four inches high for the full width of the tank. The partition (both halves) shall be reinforced by the placing of six-inch by six-inch No. 10 gage welded reinforcing wire. The reinforcing wire shall be bent to form an angle of 90 degrees on the ends in order to form a leg not less than four inches long. When the wire is placed in the mold the four-inch legs should lay parallel with the sidewall wire and adjacent to it. It is recognized that there are other methods of constructing a partition or two-compartment tank. Any method other than the one described will be considered on an individual basis for approval by the On-Site Wastewater Section. However, the tank wall thickness must remain not less than two and one-half inches thick throughout the tank except for the pipe penetrations.
- (10) Adequate access openings must be provided in the tank top. Access shall be provided for cleaning or rodding out of the inlet pipe, for cleaning or clearing the air or gas passage space above the partition, for pumping of each compartment, and for the maintenance of the effluent filter. This shall be accomplished by properly locating two manholes or access openings with each having a minimum opening of 15 inches by 15 inches or 17 inches in diameter as the opening cuts the plane of the bottom side of the top of the tank or other equidimensional opening with at least 225 square inches. The manhole covers shall be beveled on all sides in such manner as to accommodate a uniform load of 150 pounds per square foot without damage to the cover or the top of the tank. If the top of the tank is to be multislabs construction, the slabs over the inlet of the tank, partition, and outlet of the tank must not weigh in excess of 150 pounds each. Multislabs construction allows for the elimination of the manholes. Manhole covers, tank lids, access opening covers, or slabs shall have a handle of steel or other rot-resistant material equivalent in strength to a No. 3 reinforcing rod (rebar).



- (11) The concrete tank and tank lid shall be reinforced by using a minimum reinforcing of six-inch by six-inch No. 10 gage welded steel reinforcing wire in the top, bottom ends, and sides of the tank. The reinforcing wire shall be lapped at least six inches. Concrete cover shall be required for all reinforcement. Reinforcement shall be placed to maximize the structural integrity of the tank. The tank, tank lid, riser and riser cover shall be able to withstand a uniform live loading of 150 pounds per square foot in addition to all loads to which an underground tanks, riser, or riser cover is normally subjected, such as the dead weight of the concrete and soil cover, active soil pressure on tank walls, and the uplifting force of the ground water. Additional reinforcement shall be required when the loads on a concrete tank, riser, or riser cover are exceeded by subjecting it to vehicular traffic or when the top of the tank is placed deeper than three feet below the finished grade.
- (12) The top, bottom, ends, and sides of the tank must have a minimum thickness of two and one-half inches.
- (13) A minimum 28-day concrete compressive strength of 3,500 pounds per square inch shall be used in the construction of the septic tank, concrete access riser and riser cover. The concrete shall achieve a minimum compressive strength of 3,000 pounds per square inch prior to removal of the tank from the place of manufacture. It shall be the responsibility of the manufacturer to certify that this condition has been met prior to shipment. A septic tank shall be subject to testing to ascertain the strength of the concrete prior to its being approved for installation. Recognized devices for testing the strength of concrete include a properly calibrated Schmidt Rebound Hammer or Windsor Probe Test. Accelerated curing in the mold by use of propane gas or other fuels is prohibited, except in accordance with accepted methods and upon prior approval of the State.
- (14) After curing, tanks manufactured in two sections and as required, concrete risers shall be joined and sealed at the joint by using a mastic, butyl rubber, or other pliable sealant that is waterproof, corrosion-resistant, and approved for use in septic tanks. The sealant shall have a minimum size of one inch nominal diameter or equivalent. Before sealing, the joint shall be smooth, intact, and free of all deleterious substances. Tank halves shall be properly aligned to ensure a tight seal. The sealant shall be provided by the manufacturer.
- (15) All tanks produced shall bear an imprint identifying the manufacturer, the serial number assigned to the manufacturer's plans and specifications approved by the State, and the liquid or working capacity of the tanks. This imprint shall be located to the right of the blockout made for the outlet pipe on the outlet end of the tank. All tanks shall also be permanently marked with the date of manufacture adjacent to the tank imprint or on the top of the tank directly above the imprint.
- (16) Risers and access covers shall have a clear opening sized to allow for maintenance and removal of internal devices of the septic tank and shall not allow accidental entry. The access cover and tank lid shall be designed, constructed, and maintained to prevent unauthorized access. Risers shall be sealed watertight where they join the top of the septic tank, and constructed to prevent water inflow through the lid or cover.
- (b) Pump tanks shall meet the construction requirements of Paragraph (a) of this Rule with the following modifications.
- (1) Tanks shall be cast with a single compartment, or, if a partition is provided, the partition shall be cast to contain a minimum of two four-inch diameter circular openings, or equivalent, located no more than 12 inches above the tank bottom.
- (2) There shall be no requirement as to tank length, width, or shape, provided the tank satisfies all other requirements of this Section.
- (3) The invert of the inlet openings shall be located within 12 inches of the tank top. No freeboard shall be required in the pump tank.
- (4) After joining, tanks manufactured in two sections shall be plastered along the joint with hydraulic cement, cement mortar, or other waterproofing sealant. Other methods of waterproofing tanks may be used as specifically approved in the plans and specifications for the tank. Prior to backfilling, the local health department shall make a finding that a two section tank is watertight if a soil wetness condition is present within five feet of the elevation of the top of the tank.
- (5) Tanks shall be vented and accessible for routine maintenance. A watertight access manhole with removable lid shall be provided over the pump with a minimum diameter of 24 inches. The access manhole shall extend at least to six inches above finished grade and be designed and maintained to prevent surface water inflow. Larger or multiple manholes shall be provided when two or more pumps are required. Pumps shall be removable without requiring entrance into the tank. Manhole lids and electrical controls shall be secured against unauthorized access. Manhole risers shall be joined to the tank top and sealed in accordance with Paragraphs (a)(14) and (b)(4) of this Rule.
- (6) All pump tanks shall bear an imprint identifying the manufacturer, pump tank serial number assigned by the Division of Environmental Health, and the liquid or working capacity of the tank. The imprint shall be located to the left of the outlet blockout. All tanks shall also be permanently marked with the

date of manufacture adjacent to the tank imprint or on the top of the tank directly above the imprint.

(c) Plans for prefabricated tanks, risers and riser covers, other than those approved under Paragraph (a) or (b) of this Rule shall be approved on an individual basis as determined by the information furnished by the designer which indicates the tank, riser or riser cover will provide equivalent effectiveness as those designed in accordance with the provisions of Paragraphs (a) and (b) of this Rule.

(d) Tanks other than approved prefabricated tanks shall be constructed consistent with the provisions of this Rule except as follows:

- (1) Cast-in-place concrete septic and pump tanks shall have a minimum wall thickness of six inches.
- (2) Concrete block or brick masonry tanks shall have a minimum wall thickness of at least six inches when the design volume is less than 1,000 gallons and a minimum wall thickness of at least eight inches when the design volume is 1,000 gallons or more. All joints between masonry units shall be mortared using masonry cement mortar or equivalent. The joints shall have a nominal thickness of three-eighths inch. All concrete block masonry tanks shall have a minimum wall reinforcement of number three reinforcing bars on 20-inch centers, or equivalent. The maximum allowable reinforcement spacing in either direction shall be four feet. All block wall cores shall be filled with concrete with a minimum compressive strength of 3,000 pounds per square inch. All tanks constructed of block or brick shall be plastered on the inside with a 1:3 mix (one part cement, three parts sand) of Portland cement at least three-eighths inch thick or the equivalent using other approved waterproofing material.
- (3) The bottom of the built-in-place tank shall be poured concrete with a minimum thickness of four inches. All built-in-place tanks shall be reinforced to satisfy the structural strength requirements of Paragraph (a)(9) of this Rule. Reinforcement shall be placed in both directions throughout the entire tank, including top, bottom, walls, and ends.

(e) Manufacturers of septic tanks, effluent filters, pump tanks, risers, and riser locators shall comply with the General Statutes, this Section, and Approval conditions. If the approved products or materials are found to be in non-compliance, the Operation Permit shall not be issued or shall be denied. The State shall suspend or revoke the product approval upon a finding that the information submitted is falsified, the product has been subsequently altered, or

subsequent experience with the product results in altered conclusions about its design or performance. Suspension or revocation of the product approval shall not affect systems previously installed pursuant to the approval.

*History Note: Authority G.S. 130A-335 (e), (f) and (f1)[2nd];*

*Eff. July 1, 1982;*

*Amended Eff. August 1, 1991; January 1, 1990;*

*Temporary Amendment Eff. January 1, 1999;*

*Amended Eff. August 1, 2000.*

## **.1955 DESIGN AND INSTALLATION CRITERIA FOR CONVENTIONAL SEWAGE SYSTEMS**

(a) Conventional septic tank systems shall utilize a septic tank of approved construction with an approved effluent filter and support case, access devices, and design volume which provides primary treatment of the sewage in accordance with the provisions of these Rules. The effluent filter support case shall be solvent welded to a PVC Schedule 40 outlet pipe with a minimum diameter of three inches inserted through the outlet connective sleeve creating a watertight and mechanically sound joint and shall extend at least 24 inches beyond the tank outlet. The filter and support case shall be installed and maintained in accordance with the filter manufacturer's specifications. The effluent filter shall be accessible without the operator entering the septic tank and removable by hand. The effluent filter shall be secured in the support case and located under the outlet access opening or manhole. When the top of the septic tank or access manhole is installed below finished grade, the location of each access opening or manhole shall be visibly marked at finished grade. The visible marker(s) shall be located over or within a five foot radius of each access opening or manhole. The marker(s) shall be identified as a septic tank locator. When not placed over each access opening or manhole, the marker(s) shall indicate location of tank access opening(s) or manhole(s). The filtered effluent from the septic tank shall be conveyed to an approved nitrification line where the soil provides for final treatment and disposal of the sewage.

(b) Table II shall be used in determining the maximum long-term acceptance rate for septic tank systems of conventional trench design. The long-term acceptance rate shall be based on the most hydraulically limiting naturally occurring soil horizon within three feet of the ground surface or to a depth of one foot below trench bottom, whichever is deeper.

**TABLE II**

SOIL GROUP	SOIL TEXTURE CLASSES (USDA CLASSIFICATION)		LONG-TERM ACCEPTANCE RATE gpd/ft <sup>2</sup>
I	Sands	Sand	1.2 - 0.8



	(With S or PS structure and clay mineralogy)	Loamy Sand	
II	Coarse Loams (With S or PS structure and clay mineralogy)	Sandy Loam Loam	0.8 - 0.6
III	Fine Loams (With S or PS structure and clay mineralogy)	Sandy Clay Loam Silt Loam Clay Loam Silty Clay Loam Silt	0.6 - 0.3
IV	Clays (With S or PS structure and clay mineralogy)	Sandy Clay Silty Clay Clay	0.4 - 0.1

The long-term acceptance rate shall not exceed the mean rate for the applicable soil group for food service facilities, meat markets, and other places of business where accumulation of grease can cause premature failure of a soil absorption system. Long-term acceptance rates up to the maximum for the applicable soil group may be permitted for facilities where data from comparable facilities indicates that the grease and oil content of the effluent will be less than 30 mg/l and the chemical oxygen demand (COD) will be less than 500 mg/l.

(c) The design daily sewage flow shall be divided by the long-term acceptance rate to determine the minimum area of nitrification trench bottom. The total length of the nitrification line shall be determined by dividing the required area of nitrification trench bottom by the trench width, not to exceed 36 inches. Trenches shall be located not less than three times the trench width on centers with a minimum spacing of five feet on centers.

(d) The local health department may permit the use of a bed system on sites where the soil texture can be classified into either Soil Groups I, II, or III, meeting the other requirements of this Section, and only on lots which are limited by topography, space, or other site-planning considerations. In such cases, the number of square feet of bottom area needed shall be increased by 50 percent over what would be required for a trench system. Nitrification lines shall be at least 18 inches from the side of the bed and shall have lines on three-foot centers. When the design daily flow exceeds 600 gallons per day, bed systems shall not be used.

(e) The pipe or tubing used between the septic tank and the nitrification line shall be a minimum of three-inch nominal size Schedule 40 polyvinyl chloride (PVC), polyethylene (PE), or acrylonitrile-butadiene-styrene (ABS) or equivalent with a minimum fall of one-eighth inch per foot. However, three-inch or greater nonperforated polyethylene (PE) corrugated tubing may be substituted for Schedule 40 pipe between a distribution device and the nitrification line if the following conditions are met:

- (1) the trench has a minimum bottom width of one foot;
- (2) the trench bed is compacted, smooth, and at a uniform grade;
- (3) the pipe is placed in the middle of the trench with a minimum of three inches of clearance between the pipe and the trench walls;
- (4) washed stone or washed gravel envelope is placed in the trench on both sides of the pipe and up to a point at least two inches above the top of the pipe;
- (5) a minimum of six inches of soil cover is placed and compacted over the stone or gravel envelope; and
- (6) earthen dams consisting of two feet of undisturbed or compacted soil are placed at both ends of the trench separating the trench from the distribution device and the nitrification line.

All joints from the septic tank to the nitrification line shall be watertight.

(f) When four or six-inch diameter corrugated plastic tubing is used for nitrification lines, it shall be certified as complying with ASTM F 405, Standard Specification for Corrugated Polyethylene (PE) Tubing and Fittings, which is hereby adopted by reference in accordance with G.S. 150B-21.6. The corrugated tubing shall have three rows of holes, each hole between one-half inch and three-fourths inch in diameter, and spaced longitudinally approximately four inches on centers. The rows of holes may be equally spaced 120 degrees on centers around the periphery, or three rows may be located in the lower portion of the tubing, the outside rows being approximately on 120-degree centers. The holes may be located in the same corrugation or staggered in adjacent corrugations. Other types of pipe may be used for nitrification lines provided the pipe satisfies the requirements of this Section for hole size and spacing and the pipe has a stiffness equivalent to corrugated polyethylene tubing (ASTM F-405) or stronger. The nitrification line shall be located in the center of the nitrification trench.

(g) Nitrification trenches shall be constructed as level as possible but in no case shall the fall in a single trench bottom

exceed one-fourth inch in 10 feet as determined by an engineer's level or equivalent. When surface slopes are greater than two percent, the bottom of the nitrification trenches shall follow the contour of the ground. An engineer's level or equivalent shall be used for installation and inspection. The nitrification trench shall not exceed a width of three feet and a depth of three feet, except as approved by the local health department.

(h) Rock used in soil absorption systems shall be clean, washed gravel or crushed stone and graded or sized in accordance with size numbers 3, 4, 5, 57 or 6 of ASTM D-448 (standard sizes of coarse aggregate) which is hereby adopted by reference in accordance with G.S. 150B-21.6. Copies may be inspected in, and copies obtained from the Division of Environmental Health, PO Box 27687, Raleigh, North Carolina 27611-7687. The rock shall be placed a minimum of one foot deep with at least six inches below the pipe and two inches over the pipe and distributed uniformly across the trench bottom and over the pipe.

(i) The soil cover over the nitrification field shall be to a depth of at least six inches. The finished grade over the nitrification field shall be landscaped to prevent the ponding of surface water and runoff of surface water shall be diverted away from the nitrification field. Soil cover above the original grade shall be placed at a uniform depth over the entire nitrification field, except as required to prevent the ponding of surface water, and shall extend laterally five feet beyond the nitrification trench. The soil cover shall be placed over a nitrification field only after proper preparation of the original ground surface. The type of soil cover and placement shall be approved by the local health department.

(j) Effluent distribution devices, including distribution boxes, flow dividers, and flow diversion devices, shall be of sound construction, watertight, not subject to excessive corrosion, and of adequate design as approved by the local health department. Effluent distribution devices shall be separated from the septic tank and nitrification lines by a minimum of two feet of undisturbed or compacted soil and shall be placed level on a solid foundation of soil or concrete to prevent differential settlement of the device. The installer shall demonstrate that the distribution devices perform as designed.

(k) Grease traps or grease interceptors shall be required at food service facilities, meat markets, and other places of business where the accumulation of grease can cause premature failure of a soil absorption system. The following design criteria shall be met:

- (1) The grease trap shall be plumbed to receive all wastes associated with food handling and no toilet wastes;
- (2) The grease trap liquid capacity shall be sufficient to provide for at least five gallons of storage per meal served per day, or at least two-thirds of the required septic tank liquid capacity, or a capacity as determined in accordance with the following:

$$LC = D \times GL \times ST \times HR/2 \times LF$$

where

LC = grease trap liquid capacity (gallons)

D = number of seats in dining area

GL = gallons of wastewater per meal (1.5 single-service;  
2.5 full service)

ST = storage capacity factor = 2.5

HR = number of hours open

LF = loading factor = (1.25 interstate highway  
= 1.0 other highways and recreational areas  
= 0.8 secondary roads)

- (3) Two or more chambers must be provided, with total length-to-width ratio at least 2:1. Chamber opening and outlet sanitary tee must extend down at least 50 percent of the liquid depth.
- (4) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent surface water infiltration. The manholes shall also have readily removable covers to facilitate inspection, filter maintenance, and grease removal.
- (5) One tank or multiple tanks, in series, shall be constructed in accordance with Rules .1952, .1953, and .1954 of this Section, and the provisions of Paragraphs (k)(3) and (k)(4) of this Rule.
- (6) Where it has been demonstrated that specially designed grease interceptors will provide improved performance, the grease trap liquid capacity may be reduced by up to 50 percent.

(l) Stepdowns or drop boxes may be used where it is determined by the local health department that topography prohibits the placement of nitrification trenches on level grade. Stepdowns shall be constructed of two linear feet of undisturbed soil and constructed to a height which fully utilizes the upstream nitrification trench. Effluent shall be conveyed over the stepdown through nonperforated pipe or tubing and backfilled with compacted soil. Drop boxes shall be constructed so that the invert of the inlet supply pipe is one inch above the invert of the outlet supply pipe which is connected to the next lower drop box. The top of the trench outlet laterals, which allow effluent to move to the nitrification lines, shall be two inches below the invert of the outlet supply line. Area taken up by stepdowns and drop boxes shall not be included as part of the minimum area required for nitrification trench bottoms.

(m) Nitrification trenches shall be installed with at least one foot of naturally occurring soil between the trench bottom and saprolite, rock, or any soil horizon unsuitable as to structure, clay mineralogy or wetness. If the separation between the bottom of the nitrification trench and any soil wetness condition is less than 18 inches, and if more than six inches of this separation consists of Group I soils, a low pressure pipe system shall be required.



(n) If sewage effluent pumps are used, the applicable requirements of Rule .1952 of this Section shall apply.

(o) Collection sewers shall be designed and constructed in accordance with the following minimum criteria:

- (1) Building drains and building sewers shall be in accordance with the state plumbing code and approved by the local building inspector.
- (2) Pipe material shall be specified to comply with the applicable ASTM standards, with methods of joining and other special installation procedures specified which are appropriate for the pipe to be used.
- (3) Gravity sewers shall be designed to maintain scour velocities of at least two feet per second with the pipe half full and a minimum of one foot per second at the peak projected instantaneous flow rate. Force mains shall be sized to obtain at least a two-foot per second scour velocity at the projected pump operating flow rate.
- (4) Infiltration and exfiltration shall not exceed 100 gallons per day per inch diameter per mile of gravity sewer pipe or 20 gallons per day per inch diameter per mile of pressure pipe in force mains and supply lines.
- (5) Three-foot minimum cover shall be provided for all sewers unless ferrous material pipe is specified. Ferrous material pipe or other pipe with proper bedding to develop design-supporting strength shall be provided where sewers are subject to traffic-bearing loads.
- (6) Manholes shall be used for sewers at any bends, junctions, and at least every 425 feet along the sewer lines. Drop manholes are required where the inlet to outlet elevation difference exceeds 2.5 feet. Manhole lids shall be watertight if located below the 100-year flood elevation, within 100 feet of any public water supply source, or within 50 feet of any private water supply source or any surface waters classified WS-I, WS-II, WS-III, SA, SB, or B.
- (7) Cleanouts may be used instead of manholes for four-inch and six-inch sewers serving one or two buildings or as otherwise allowed by the North Carolina Plumbing Code. When used, cleanouts are required at least every 50 feet for four-inch sewers and every 100 feet for six-inch sewers and at all junctions and bends which exceed 45 degrees.
- (8) Additional ventilation provisions may be required for collection sewers. Air relief valves shall be provided as needed for force mains.

(p) Alternating dual field nitrification systems may be utilized where soils are limited by high clogging potentials (Soil Groups III and IV) and where the potential for malfunction and need for immediate repair is required. Alternating dual nitrification fields shall be designed with two complete nitrification fields, each sized a minimum of 75 percent of the total area required for a single field and separated by an effluent flow diversion valve. The diversion

valve shall be constructed to resist 500 pounds crushing strength, structurally sound, and shall be resistant to corrosion. Valves placed below ground level shall be provided with a valve box and suitable valve stem so that they may be operated from the ground surface.

*History Note: Authority G.S. 130A-335 (e), (f) and (f1)[2nd];*

*Eff. July 1, 1982;*

*Amended Eff. August 1, 1991; January 1, 1990; August 1, 1988; February 1, 1987;*

*Temporary Amendment Eff. January 1, 1999;*

*Amended Eff. August 1, 2000.*

## **.1956 MODIFICATIONS TO SEPTIC TANK SYSTEMS**

The following are modifications to septic tank systems or sites which may be utilized singly or in combination to overcome selected soil and site limitations. Except as required in this Rule, the provisions for design and installation of Rule .1955 of this Section shall apply:

- (1) **SHALLOW SYSTEMS:** Sites classified UNSUITABLE as to soil depth or soil wetness may be reclassified as PROVISIONALLY SUITABLE with respect to soil depth or soil wetness conditions by utilizing shallow placement of nitrification trenches in the naturally occurring soil. Shallow trenches may be used where at least 24 inches of naturally occurring soil are present above saprolite, rock, or soil wetness conditions and all other factors are PROVISIONALLY SUITABLE or SUITABLE. Shallow trenches shall be designed and constructed to meet the vertical separation requirements in Rule .1955(m) of this Section. The long-term acceptance rate shall be based on the most hydraulically limiting naturally occurring soil horizon within 24 inches of the ground surface or to a depth of one foot below the trench bottom, whichever is deeper. Soil cover above the original grade shall be placed at a uniform depth over the entire nitrification field and shall extend laterally five feet beyond the nitrification trench. The soil cover shall be placed over a nitrification field only after proper preparation of the original ground surface. The type and placement of soil cover shall be approved by the local health department.
- (2) **DRAINAGE AND RESTRICTIVE HORIZONS:** Sites classified UNSUITABLE as to soil wetness conditions or restrictive horizons may be reclassified PROVISIONALLY SUITABLE as to soil wetness conditions or restrictive horizons when:
  - (a) Soils are Soil Groups I or II with SUITABLE structure, and clay mineralogy;
  - (b) Restrictive horizons, if present, are less than three inches thick or less than 12 inches from the soil surface;

- (c) Modifications can be made to meet the requirements in Rule .1955(m) of this Section for the separation between the water table and the bottom of the nitrification trench at all times and when provisions are made for maintenance of the drainage systems;
- (d) Easements are recorded and have adequate width for egress and ingress for maintenance of drainage systems serving two or more lots;
- (e) Maintenance of the drainage system is made a condition of any permit issued for the use or operation of a sanitary sewage system; and
- (f) Drainage may be used in other types of soil when the requirements of Rule .1948(d) in this Section are met.

(3) **GRAVELLESS TRENCHES:** Modified nitrification trenches or lines, including large diameter pipe (greater than four inches I.D.), and specially designed porous block systems may be permitted by the local health department.

- (a) Gravelless nitrification trench systems may be substituted for conventional trench systems on any site found to be suitable or provisionally suitable in accordance with Rules .1940 to .1948 of this Section to eliminate the need for gravel, minimize site disturbance, or for other site planning considerations. Gravelless nitrification trench systems shall not be used, however, where wastes contain high amounts of grease and oil, such as restaurants.

- (i) Large diameter pipe systems shall consist of eight-inch or 10-inch (inside diameter), corrugated, polyethylene tubing encased in a nylon, polyester, or nylon/polyester blend filter wrap installed in a nitrification trench, 12 or more inches wide and backfilled with soil classified as soil group I, II, or III. Nitrification area requirement shall be determined in accordance with Rules .1955(b) and .1955(c), or in Rule .1956(6)(b), Table III of this Section, when applicable, with eight-inch tubing considered equivalent to a two-foot-wide conventional trench and 10-inch tubing considered equivalent to a two and one-half-foot-wide conventional trench. The long-term acceptance rate shall not exceed 0.8 gallons per day per square foot. Tubing and fittings shall comply with the requirements of ASTM F-667, which is hereby incorporated by reference including any subsequent amendments and editions. Copies of

the standards may be inspected in and copies obtained from the Division of Environmental Health, P.O. Box 27687, Raleigh, NC 27611-7687 at no cost. The corrugated tubing shall have two rows of holes, each hole between three-eighths and one-half-inch in diameter, located 120 degrees apart along the bottom half of the pipe (each 60 degrees from the bottom center line) and staggered so that one hole is present in the valley of each corrugation. The tubing shall be marked with a visible top location indicator, 120 degrees away from each row of holes. Filter wrap shall be spun, bonded, or spunlaced nylon, polyester, or nylon/polyester blend nylon filter wrap meeting the following minimum requirements:

Unit Weight:	Oz/yd <sup>2</sup> = 1.0
Sheet Grab Tensile:	MD - 23 lbs.
Trapezoid Tear:	MD - 6.2 lbs.
	XD - 5.1 lbs.
Mullen Burst:	PSI = 40
	KPa = 276

Frazier Air Perm, CFM/ft ] 0.5 "H<sub>2</sub>O: 500"

Corrugated Tubing shall be covered with filter wrap at the factory and each joint shall be immediately encased in a black polyethylene sleeve which shall continue to encase the large diameter pipe and wrap until just prior to installation in the trench. Large diameter pipe systems shall be installed in accordance with this Rule and the manufacturer's guidelines. The trench bottom and pipe shall be level (with a maximum fall of one inch in 100 feet). Filter wrap encasing the tubing shall not be exposed to sunlight (ultraviolet radiation) for extended periods. Rocks and large soil clumps shall be removed from backfill material prior to being used. Clayey soils (soil group IV) shall not be used for backfill. The near end of the large diameter pipe shall have an eight-inch by four-inch offset adaptor (small end opening at top) suitable for receiving the pipe from the septic tank or distribution device and making a mechanical joint in the nitrification trench.

- (ii) A Prefabricated, Permeable Block Panel System (PPBPS), utilizing both horizontal and vertical air chambers and special construction to promote downline and horizontal distribution of



effluent, may be used under the following conditions:

- (A) the soil and site criteria of this Section shall be met;
  - (B) in calculating the required linear footage for a PPBPS's nitrification field, the linear footage for the nitrification line as determined in Rule .1955 (b) and (c), or in Rule .1956 (6)(b), Table III of this Section when applicable, shall be multiplied by 0.5 for a 16 inch PPBPS;
  - (C) installation of the PPBPS shall be in accordance with these Rules except:
    - (I) the PPBPS trench shall be located not less than eight feet on centers;
    - (II) the installation shall be in accordance with the manufacturer's specifications; and
    - (III) the sidewalls of nitrification trenches placed in Group IV soils shall be raked to open pores which were damaged or sealed during excavation;
  - (D) where design sewage flow is more than 480 gallons per day, the system shall be pressure-dosed; and
  - (E) the long-term acceptance rate shall not exceed 0.8 gallons per day per square foot.
- (b) Other types of nitrification trenches or lines may be approved by the local health department on a site-specific basis in accordance with Rule .1969 of this Section.
- (4) **INTERCEPTOR DRAINS:** Sites classified as UNSUITABLE as to soil wetness conditions because of the presence of lateral water movement may be reclassified PROVISIONALLY SUITABLE as to soil wetness conditions when such water is intercepted and diverted to prevent saturation of the soil absorption system.
- (5) **STEEP SLOPES:** Stable slopes greater than 30 percent may be reclassified as PROVISIONALLY SUITABLE when:
- (a) The soil characteristics can be classified as SUITABLE or PROVISIONALLY SUITABLE to a depth of at least one foot below the bottom of the nitrification trench at the upslope side of the trench;
  - (b) Surface water runoff is diverted around the nitrification field if necessary to prevent scouring or erosion of the soil over the field; and
  - (c) The finished grade over the nitrification field site is returned to the original topography and adequately seeded, unless otherwise specified by the local health department.
- (6) **SAPROLITE SYSTEM:** Sites classified UNSUITABLE as to soil depth, with saprolite present, may be reclassified PROVISIONALLY SUITABLE as to soil depth when the provisions of this Paragraph are met.
- (a) An investigation of the site using pits at locations specified by the local health department shall be conducted. The following physical properties and characteristics shall be present in the two feet of saprolite below the proposed trench bottom:
    - (i) the saprolite texture shall be sand, loamy sand, sandy loam, loam, or silt loam;
    - (ii) clay mineralogy shall be suitable;
    - (iii) greater than two-thirds of the material shall have a moist consistence of loose, very friable, friable, or firm;
    - (iv) the saprolite wet consistence shall be nonsticky or slightly sticky and nonplastic or slightly plastic;
    - (v) the saprolite shall be in an undisturbed, naturally occurring state; and
    - (vi) the saprolite shall have no open and continuous joints, quartz veins, or fractures relic of parent rock to a depth of two feet below the proposed trench bottom.
  - (b) Table III shall be used in determining the long-term acceptance rate for septic tank systems installed pursuant to Paragraph (6) of this Rule. The long-term acceptance rate shall be based on the most hydraulically limiting, naturally occurring saprolite to a depth of two feet below trench bottom.

TABLE III

<u>SAPROLITE GROUP</u>	<u>SAPROLITE TEXTURAL CLASSES</u>		<u>LONG-TERM ACCEPTANCE RATE</u>
			<u>gpd/ft<sup>2</sup></u>
I	Sands	Sand	0.8 - 0.6
		Loamy Sand	0.7 - 0.5
II	Loams	Sandy Loam	0.6 - 0.4
		Loam	0.4 - 0.2
		Silt Loam	0.3 - 0.1

If a low pressure pipe system is used, the long term acceptance rate in Table III shall be reduced by one-half and the system shall be designed in accordance with Rule .1957(a) of this Section, except that Rule .1957 (a)(2)(B) and Rule .1957(a)(3) shall not apply. Saprolite textural classifications shall be determined from disturbed materials and determined by Rule .1941(a)(1) of this Section. Low-pressure distribution shall be used when the total length of nitrification lines exceeds 750 feet in a single system.

- (c) The design daily flow shall not exceed 1000 gallons.
- (d) The nitrification field shall be constructed using nitrification trenches with a maximum width of three feet and a maximum depth of three feet on the downslope side of the nitrification trench. The bottom of a nitrification trench shall be a minimum of two feet above rock or saprolite that does not meet the requirements of Subparagraph (6)(a) of this Rule. However, where SUITABLE or PROVISIONALLY SUITABLE soil underlies the trench bottom, this separation distance may be reduced by subtracting the actual soil depth beneath the trench bottom from 24 inches to establish the minimum separation distance from the trench bottom to rock.
- (e) The bottom of any nitrification trench shall be a minimum of two feet above any wetness condition.
- (f) Surface and subsurface interceptor drains shall be required on sites with more slowly permeable horizons above the usable saprolite to intercept laterally flowing waters or perched waters.
- (g) Exceptions to the provisions of Rule .1950(a) found in Rule .1950 and .1951 of this Section shall not apply to systems installed pursuant to this Paragraph [Rule .1956(6)].
- (h) Other saprolite systems may be approved on a site-specific basis in accordance with Rule .1948(d) of this Section.

*History Note: Authority G.S. 130A-335(e) and (f); Eff. July 1, 1982;*

*Amended Eff. November 1, 1999; July 1, 1995; April 1, 1993; January 1, 1990; August 1, 1988.*

## **CHAPTER 19 - HEALTH: EPIDEMIOLOGY**

### **SUBCHAPTER 19A - SUBCHAPTER 19A - ACUTE COMMUNICABLE DISEASE CONTROL**

#### **SECTION .0400 - IMMUNIZATION**

#### **.0401 DOSAGE AND AGE REQUIREMENTS FOR IMMUNIZATION**

Every individual in North Carolina required to be immunized pursuant to G.S. 130A-152 through 130A-157 shall be immunized against the following diseases by receiving

the specified minimum doses of vaccines by the specified ages:

- (1) Diphtheria, tetanus, and whooping cough vaccine -- five doses: three doses by age seven months and two booster doses, one by age 19 months and the second on or after the fourth birthday and before enrolling in school (K-1) for the first time. The requirements for booster doses of diphtheria, tetanus, and whooping cough vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987. However:
  - (a) An individual who has attained his or her seventh birthday without having been immunized against whooping cough shall not be required to be immunized with a vaccine preparation containing whooping cough antigen;
  - (b) Individuals who receive the first booster dose of diphtheria, tetanus, and whooping cough vaccine on or after the fourth birthday shall not be required to have a second booster dose;
  - (c) Individuals attending school, college or university or who began their tetanus/diphtheria toxoid series on or after the age of seven years shall be required to have three doses of tetanus/diphtheria toxoid of which one must have been within the last 10 years;
- (2) Poliomyelitis vaccine--four doses: two doses of trivalent type by age five months; a third dose trivalent type before age 19 months, and a booster dose of trivalent type on or after the fourth birthday and before enrolling in school (K-1) for the first time. However:
  - (a) An individual attending school who has attained his or her 18th birthday shall not be required to receive polio vaccine;
  - (b) Individuals who receive the third dose of poliomyelitis vaccine on or after the fourth birthday shall not be required to receive a fourth dose;
  - (c) The requirements for booster doses of poliomyelitis vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987;
- (3) Measles (rubeola) vaccine--two doses of live, attenuated vaccine administered at least 30 days apart: one dose on or after age 12 months and before age 16 months and a second dose before enrolling in school (K-1) for the first time. However:
  - (a) An individual who has been documented by serological testing to have a protective antibody titer against measles shall not be required to receive measles vaccine;



- (b) An individual who has been diagnosed prior to January 1, 1994, by a physician licensed to practice medicine as having measles (rubeola) disease shall not be required to receive measles vaccine;
- (c) An individual born prior to 1957 shall not be required to receive measles vaccine;
- (d) The requirement for a second dose of measles vaccine shall not apply to individuals who enroll in school (K-1) or in college or university for the first time before July 1, 1994;
- (4) Rubella vaccine--one dose of live, attenuated vaccine on or after age 12 months and before age 16 months. However:
  - (a) An individual who has been documented by serologic testing to have a protective antibody titer against rubella shall not be required to receive rubella vaccine;
  - (b) An individual who has attained his or her fiftieth birthday shall not be required to receive rubella vaccine;
  - (c) An individual who entered a college or university after his or her thirtieth birthday and before February 1, 1989 shall not be required to meet the requirement for rubella vaccine;
- (5) Mumps vaccine--one dose of live, attenuated vaccine administered on or after age 12 months and before age 16 months. However:
  - (a) An individual born prior to 1957 shall not be required to receive mumps vaccine;
  - (b) The requirements for mumps vaccine shall not apply to individuals who enrolled for the first time in the first grade before July 1, 1987 or in college or university before July 1, 1994. An individual who has been documented by serological testing to have a protective antibody titer against mumps shall not be required to receive mumps vaccine;
- (6) *Haemophilus influenzae, b.* conjugate vaccine--three doses of HbOC or two doses of PRP-OMP before age seven months and a booster dose of any type on or after age 12 months and by age 16 months. Individuals born before October 1, 1988 shall not be required to be vaccinated against *Haemophilus influenzae, b.* Individuals who receive the first dose of *Haemophilus influenzae, b.* vaccine on or after 12 months of age and before 15 months of age shall be required to have only two doses of HbOC or PRP-OMP. Individuals who receive the first dose of *Haemophilus influenzae, b.* vaccine on or after 15 months of age shall be required to have only one dose of any of the *Haemophilus influenzae* conjugate vaccines, including PRP-D. However, no individual who has passed their fifth birthday shall

be required to be vaccinated against *Haemophilus influenzae, b.*

- (7) Hepatitis B vaccine--three doses; one dose by age three months, a second dose before age five months and a third dose by age 19 months. Individuals born before July 1, 1994 shall not be required to be vaccinated against hepatitis B.

*History Note: Authority G.S. 130A-152(c); 130A-155.1*

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1977;*

*Readopted Eff. December 5, 1977;*

*Filed as a Temporary Amendment Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;*

*Amended Eff. October 1, 1995; October 1, 1994; January 1, 1994; January 4, 1993;*

*Temporary Amendment Eff. August 20, 1999; May 21, 1999;*

*Amended Eff. August 1, 2000.*

## SECTION .0500 - PURCHASE AND DISTRIBUTION OF VACCINE

### .0502 VACCINE FOR PROVIDERS OTHER THAN LOCAL HEALTH DEPARTMENTS

(a) The Department of Environment, Health, and Natural Resources shall provide vaccines required by law free of charge to the following providers for administration to individuals who need vaccines to meet the requirement of G.S. 130A-152, 130-155.1 and 15A NCAC 19A .0401:

- (1) Community, migrant, and rural health centers;
- (2) Colleges and universities for students; and
- (3) Physicians and other health care providers.

(b) Upon request of the Department, required vaccines may be distributed by local health departments operating as agents of the State to providers listed in Subparagraphs (a)(1), (2) and (3) of this Rule.

(c) Providers authorized in Paragraph (a) of this Rule shall be eligible to receive free vaccines from the Department only if they sign an agreement with the Department. This agreement will be prepared by the Immunization Section and will require the provider to:

- (1) Charge no more for a single dose of vaccine than the rate established by the Health Care Financing Administration (HCFA); Charge no more than double the HCFA rate as a reasonable fee for the administration of two or more vaccines given at a single visit. The rate established by HCFA is published in the Federal Register (59FR50235), and is incorporated herein by reference along with any subsequent amendments and editions. The HCFA rate may be inspected at the Immunization Section of the Department of Environment, Health, and Natural Resources. Copies may also be obtained from the Immunization Section at no charge;

**CHAPTER 27 - WELL CONTRACTOR  
CERTIFICATION RULES**

**SECTION .0100 - DUTIES AND DEFINITIONS**

**.0101 DEFINITIONS**

(a) "Commission" means the Well Contractors Certification Commission as established by the North Carolina General Assembly.

(b) "College course" means a semester unit or quarter hour unit of instruction given at a college or university, which is relevant to well contractor activities.

(c) "Course/activity" means any course or activity with a clear purpose and objective which will maintain, improve or expand skills and knowledge relevant to the practice of well contractor activities.

(d) "Department" means the Department of Environment and Natural Resources.

(e) "Personally manage" means giving directions to the on-site person who is personally supervising well contractor activities.

(f) "Personally supervise" means the on-site direction and control of all well contractor activities at any time those activities are being conducted.

(g) "Professional development hour" or "PDH" means a nominal contact hour of instruction or presentation that is the basic unit of credit for all courses or activities related to satisfying continuing education requirements.

(h) "Secretary" means the Secretary of the Department of Environment and Natural Resources.

*History Note: Authority G.S. 87-98.2; 87-98.12; 143B-301.11;*

*Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

**.0110 DUTIES OF A CERTIFIED WELL CONTRACTOR**

(a) A Certified well contractor must be present at all times when well contractor activities are being conducted.

(b) A person who has satisfactorily met the requirements of the Commission relating to well contractor activities is entitled to recognition as a Certified Well Contractor certified to practice as a well contractor in the State of North Carolina.

(1) Each certified well contractor shall be assigned a permanent certification number and shall be issued a certificate with that certification number. Certification numbers are not transferable and shall not be used by another well contractor.

(2) The certification number shall be carried by the well contractor on a card issued by the Commission at all times when performing well contractor activities.

*History Note: Authority G.S. 87-98.2; 87-98.4; 87-98.12; 143B-301.11;*

*Temporary Adoption Eff. December 15, 1998;*

- (2) Provide all vaccines needed during a visit unless a specific contraindication exists to one or more of the vaccine;
- (3) Charge no office fee in addition to an administration fee for an immunization-only visit;
- (4) Agree not to charge an administration fee to an individual who states that they are unable to pay;
- (5) Impose no condition as a prerequisite to receiving vaccine;
- (6) The providers shall submit a monthly doses administered report by the tenth of each month electronically through the North Carolina Immunization Registry or on a form provided by the Immunization Section.
- (7) Report adverse vaccine reactions through the Vaccine Adverse Event Reporting System (VAERS);
- (8) Provide the latest edition of the applicable Important Information Statement (IIS), or Vaccine Information Statement (VIS) to the parent, guardian, or person standing in loco parentis for each dose of vaccine administered; document this action within the patient's permanent medical record; retain the documentation for a period of 10 years following the end of the calendar year in which the vaccine dose was administered, or for 10 years following the recipient's age of majority, whichever is longer; upon request, furnish copies of the documentation to the local health department or the Department. Keep a record of the vaccine manufacturer, lot number, and date of administration for each dose of vaccine administered;
- (9) Allow periodic inspection of their vaccine supplies and records by the Immunization Section; and
- (10) Comply with the rules of this Section.

*History Note: Authority G.S. 130A-152; 130A-155.1; 130A-433; S.L. 1986, c. 1008, s.2; S.L. 1987, c. 215, s.7;*

*Filed as a Temporary Rule Eff. October 5, 1986 for a period of 120 days to expire on February 1, 1987;*

*Filed as a Temporary Rule Eff. February 1, 1987 for a period of 120 days to expire on May 31, 1987;*

*Filed as a Temporary Amendment Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;*

*Filed as a Temporary Amendment Eff. August 26, 1992, for a period 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Filed as a Temporary Amendment Eff. October 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Eff. March 1, 1987;*

*Amended Eff. October 1, 1995; January 1, 1995; January 4, 1994; January 4, 1993;*

*Temporary Amendment Eff. December 1, 1998;*

*Amended Eff. August 1, 2000.*



Eff. August 1, 2000.

## SECTION .0200 - WELL CONTRACTOR FEES

### .0201 SCHEDULE OF CERTIFICATION FEES

The following fees are required for well contractor certification applications, renewals and temporary certifications:

- (1) Annual Fee: A fee of two hundred dollars (\$200.00) shall accompany each new application for certification or renewal of certification.
- (2) Examination Fee: A fee of fifty dollars (\$50.00) shall accompany each request for examination. Where an applicant requests an examination to be administered at a time other than a regularly scheduled examination, the fee shall be one hundred dollars (\$100.00).
- (3) Temporary Certification: A fee of one hundred dollars (\$100.00) shall accompany each application for temporary certification.

*History Note: Authority G.S. 87-98.9;*

*Temporary Adoption Eff. December 15, 1998;*

Eff. August 1, 2000.

## SECTION .0300 - CERTIFICATION OF WELL CONTRACTORS

### .0301 APPLICATION REQUIREMENTS FOR CERTIFICATION

(a) The Commission shall accept applications and renewal requests for certification as a well contractor from any person who is at least 18 years of age and whose application meets all the following conditions:

- (1) Each application shall be submitted on forms provided by the Commission, which are designed for requesting certification as a well contractor by way of examination, certification without examination, or temporary certification and must be properly and accurately completed and submitted with an appropriate fee to the office of the chairman of the Commission.
- (2) Each application has been determined as complete. Incomplete applications and applications not accompanied by an appropriate fee and attachments cannot be processed and shall be returned to the applicant.
- (3) Each application shall contain proof of experience as provided in Paragraph (f) of this Rule.
- (4) Each application shall include a request for the well contractor examination or include documentation that the applicant meets the requirement for certification without examination as provided in Section .0500 of this Chapter.

(b) Applicants who have intentionally supplied false information must wait 12 months before resubmitting an application for certification.

(c) The Commission shall not schedule an applicant to take the required examination until his application has been reviewed and the applicant has met all other conditions for certification. The applicant must pass the examination within three attempts or within a one year period of time after application submittal or a new application shall be required. An applicant who has failed the examination after three consecutive attempts shall be required to obtain eight PDH units prior to resubmittal of an application for certification.

(d) A certification shall not be issued until the applicant successfully passes the required examination or meets the requirements for certification without examination.

(e) A certification issued by the Commission shall be valid in every county in the state.

(f) Proof of two years experience in well contractor activities shall be demonstrated by providing one of the following:

- (1) A list of at least 25 wells, together with their locations, major use and approximate depth and diameter, for which the applicant has supervised or assisted in the construction, repair or abandonment process. This list shall provide the name and address of the owner or owners of each well, and the approximate date the construction of each well was completed. A copy of the completion report for each well shall accompany the list. Completion dates of the 25 wells shall be distributed over a consecutive 24 month period.
- (2) Letters from three persons in a business related to well contractor activities (including, but not limited to, state or local government well inspectors, employing well contractors, competitors, and well materials suppliers) who attest that the applicant has been working in a well contractor activity for a minimum of 24 months.
- (3) A letter from at least one currently certified well contractor attesting that the applicant has been working in a well contractor activity for a minimum of 24 months.
- (4) Any other proof of working in well contractor activities for a minimum of 24 months may be presented to the Commission and may be accepted on an individual basis.

*History Note: Authority G.S. 87-98.6; 87-98.9; 143B-301.11;*

*Temporary Adoption Eff. December 15, 1998;*

Eff. August 1, 2000.

## SECTION .0400 - CERTIFICATION BY EXAMINATION

### .0410 WELL CONTRACTOR EXAMINATIONS

(a) Well contractor examinations shall be written, comprehensive examinations that are standardized statewide. The examinations shall be designed to determine the applicant's knowledge of applicable rules; ability to construct, repair and abandon a well; and the ability to supervise, direct, manage and control the contracting activities of the well contracting business.

(b) The Commission may administer an examination orally or on an individual basis upon submission by the applicant of a notarized form provided by the Commission wherein the applicant states that he does not read, does not read well, or has a medical condition necessitating oral examination.

(c) If any other request for an accommodation in taking the examination is based on a medical condition, the applicant shall submit, in addition to a notarized form, supporting documentation from a physician.

(d) A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be reported as either passing or failing.

*History Note: Authority G.S. 87-98.6; 143B-301.11;  
Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

#### **.0420 TIME AND PLACE OF EXAMINATION**

(a) An examination shall be given at least twice a year. Additional examinations may be scheduled by the Commission. Information regarding the date, time, and place shall be made available upon request.

(b) Each applicant filing for examination shall be notified in writing of the date, time and place of the examination and the required grade for passing the examination.

*History Note: Authority G.S. 87-98.6; 143B-301.11;  
Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

#### **.0430 CONDUCTING AND GRADING EXAMINATIONS**

(a) Examinations, prepared by members of the Commission or its authorized representatives and approved by the Commission, shall be given only to those who, after filing a proper application, have been determined to be eligible. Examinations shall be conducted and graded under the supervision of a representative of the Commission, or its authorized representatives. When each applicant receives his examination, he shall identify himself by way of his driver's license or other form of photographic identification satisfactory to the proctor and the identification number shall be recorded on the face of the examination paper.

(b) Representatives of the Commission or other authorized representatives, who are supervising the examinations may take appropriate action against applicants, including dismissal from the examination, if cheating does occur. If the applicant holds a certificate already, the Commission may revoke the

certification in accordance with G.S. 87-98.8 and 15A NCAC 27 . 0901 for cheating on an examination.

*History Note: Authority G.S. 87-98.6; 87-98.8; 143B-301.11;  
Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

### **SECTION .0600 - CERTIFICATION RENEWAL**

#### **.0601 CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS**

(a) Certification issued pursuant to this Rule shall not be transferable and shall expire on December 31 of each year through the year 2000. Certification shall expire on June 30, 2001 and shall expire on June 30 of each year thereafter. A certification may be renewed without examination for ensuing years by making application to the Commission no later than the expiration date of the certification and paying the renewal fee. Receipt by the Commission of such application and the appropriate fee(s) shall extend the validity of the current certification until a new certification is received or the applicant is notified by the Commission that formal administrative action has been taken to suspend, revoke or deny renewal of the certification.

(b) If a certification is not renewed in accordance with G.S. 87-98.7(b) and G.S. 87-98.9, the certification shall become void and may be renewed only in accordance with the requirements of G.S. 87-98.7(b).

(c) No application for a renewal shall be granted if the applicant's certification is suspended or revoked until the period for such suspension or revocation has expired.

(d) Individuals certified under this program shall notify the Well Contractors Certification Commission within 30 days in writing of any change of their business or personal address.

(e) The Commission shall notify the well contractor of nonpayment of the annual renewal fee in accordance with G.S. 87-98.9. Notice shall be attempted by certified mail or personal service.

*History Note: Authority G.S. 87-98.6; 87-98.7(b); 143B-301.11;  
Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

### **SECTION .0800 - CONTINUING EDUCATION REQUIREMENTS**

#### **.0810 APPROVAL OF CONTINUING EDUCATION COURSES**

(a) For the purposes of this Section, "sponsor" means an organization or individual approved by the Commission after having supplied, on a form provided by the Commission, the information required by this Rule with respect to the organization's or individual's ability to provide instruction for courses or activities to maintain, improve, or expand the skills



and knowledge related to the practice of well contractor activities. After evaluation the Commission may grant approval of all courses offered by a particular "sponsor".

(b) The Commission may require any sponsor that has received Commission approval for its course(s) to apply for renewal of such approval either annually or when the sponsor's course offerings or course schedule varies from what was previously approved, whichever occurs first.

(c) The Commission shall approve courses that instruct on well contractor activities and the use of well contractor equipment, products, and materials. To be approved, courses and activities must contain a clear purpose and objective and result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of well contractor activities. Additionally, to be approved, requests for approval of courses or activities shall include the following information:

- (1) course content;
- (2) course schedule;
- (3) level of instruction provided (i.e., beginning, intermediate, advanced);
- (4) qualifications of instructors (including both education and experience);
- (5) materials provided, field experiences, and other activities available in connection with the course(s).

*History Note: Authority G.S. 87-98.12; 143B-301.11;  
Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

#### **.0820 DETERMINATION OF CREDIT**

The Certification Commission has final authority with respect to approval of courses, sponsors, credit, PDH values for courses, and other methods of earning credit. Courses or activities must maintain, improve or expand the skills and knowledge related to the practice of well contractor activities in order for a well contractor to receive credit. The Commission shall award the stated hours of credit (PDH) for any acceptable and successfully completed activity in each of the following categories:

- (1) Credit for college or community college courses shall be 45 PDH for receipt of a passing grade in the course, regardless of the number of credits awarded by the college or community college.
- (2) Credit for continuing education courses (including, but not limited to, correspondence, televised, videotaped, audiotapes, and other short courses/tutorials) that provide a completion certificate shall be one PDH unit for each hour of attendance or contact time.
- (3) Credit for published papers, articles and books is 10 PDH.
- (4) Credit for active participation in professional and technical societies is limited to two PDH per organization. "Active participation" requires that the well contractor attend at least 50 percent of the regularly scheduled meetings. PDH credits for this

type of activity are not earned until the end of each year of membership in the organization.

- (5) Credit for teaching or presenting in Items (1) and (2) of this Rule are double the stated credits. Credit for teaching or presenting is available only for the first time that a well contractor teaches such a course or make such a presentation. Credit for teaching a course is not available to a well contractor if the well contractor is a full-time member of the faculty (as defined by the institution) where the course is taught.

*History Note: Authority G.S. 87-98.12; 143B-301.11;  
Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

#### **.0840 SPECIAL PROVISIONS FOR CONTINUING EDUCATION**

(a) Given the intrinsic educational value of preparing for and successfully passing an examination, a well contractor certified by way of examination or reciprocity pursuant to Rule .0510(b) of this Chapter for having passed an examination comparable to that administered by the Commission shall not be required to obtain any professional development hours prior to the first renewal of certification.

(b) A well contractor serving on temporary active duty in the uniformed services of the United States for a period of time exceeding 120 consecutive days in a year shall be granted an extension of time in which to obtain the professional development hours required during that renewal period. The extension shall allow the requesting well contractor 12 months from the date the extension is granted to correct the deficiency in professional development hours (PDH) for the renewal period in issue.

(c) If certified by a physician, a well contractor experiencing physical disability, illness, or other incapacitating medical condition such that the well contractor is incapable of attending continuing education courses or activities during a given renewal period shall be granted an extension of time in which to obtain professional development hours required during that renewal period. The extension shall allow the requesting well contractor 12 months from the date the extension is granted to correct the deficiency in professional development hours (PDH) for the renewal period in issue.

*History Note: Authority G.S. 87-98.12; 143B-301.11;  
Temporary Adoption Eff. December 15, 1998;  
Eff. August 1, 2000.*

### **TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

#### **CHAPTER 20 - BOARD OF REGISTRATION FOR FORESTERS**

##### **SECTION .0100 - PURPOSE**

**.0103 QUALIFICATIONS FOR REGISTRATION**

(a) An application may be obtained from the Secretary of the Board.

(b) An applicant shall submit an application to the Secretary which shall include:

- (1) Legible official college transcripts, if applicable.
- (2) Five references as required in Rule .0105 of this Section.
- (3) Proof of professional work experience.
- (4) Payment of application fee as set out in Rule .0107 of this Section.

(c) A school of Forestry accredited by the Society of American Foresters is an approved school or college for purposes of G.S. 89B-9. An applicant who holds a forestry degree from a university outside of the United States may qualify for registration if he/she provides verification to the Board which demonstrates that the degree is equivalent to SAF accreditation standards.

(d) For purposes of G.S. 89B a forestry curriculum means a major in forestry.

(e) The Board may issue a forester-in-training certificate to an applicant who has completed the education requirement in G.S. 89B-9(a)(1). The certificate shall be valid for up to 4 years. The time period may be extended by the Board in case of hardship beyond the control of the applicant.

*History Note: Authority G.S. 89B-6; 89B-9;  
Eff. February 1, 1976;  
Amendment Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000.*

**.0104 EXAMINATIONS**

(a) Examinations shall be offered twice annually. An applicant may attempt the examination no more than three times within any six year period.

(b) Applicants shall be notified by certified mail, return receipt requested, not less than 30 days before the examination, as to the time and place of the examination. If the applicant fails to respond at least ten days prior to the date of the exam, it shall be assumed that the applicant does not plan to take the examination. The applicant's file shall then be considered inactive and no further action shall be initiated by the Board. The application fee shall be forfeited.

(c) The passing grade for registration shall be 70 percent on any exam. The determination by the Board as to the score on each exam shall be final.

(d) Re-examination fees shall be forty dollars (\$40.00) per examination.

*History Note: Authority G.S. 89B-6; 89B-12;  
Eff. February 1, 1976;  
Amendment Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000.*

**.0105 REFERENCES**

(a) Five references are required to satisfy the Board of an applicant's professional experience and moral character. Three or more shall be practicing, registered foresters in North Carolina. No more than one of the practicing forester references shall be an employee of the same firm or agency as the applicant. No member of the Board shall act as a reference for any applicant for registration.

(b) If a majority of the references do not recommend approval, the Board shall reject the applicant.

(c) If two of the references do not recommend approval, the Board shall request more detailed input from all references to use in evaluating the applicant.

*History Note: Authority G.S. 89B-6; 89B-9;  
Eff. February 1, 1976;  
Amendment Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000.*

**.0106 REGISTRATION FEES**

Fees sent to the Board for any segment of the registration process may be in the form of money orders, bank drafts, or checks payable to the Secretary, Board of Registration for Foresters. The application fee for registration is thirty five dollars (\$35.00), which shall be submitted by the applicant at the time of application. An approved applicant shall submit an additional fee of forty dollars (\$40.00) to receive a certificate of registration. Annual renewal fee is thirty dollars (\$30.00).

*History Note: Authority G.S. 89B-6; 89B-10; 89B-11;  
Eff. February 1, 1976;  
Amendment Eff. February 1, 1990; May 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000.*

**.0117 RECIPROCITY**

(a) Non-residents and individuals who have moved to North Carolina who are legally registered or licensed as foresters in another state, shall submit evidence of such registration or licensing to the Board. A statement from the Board of registration or licensing in the state in which they are legally registered or licensed attesting that they are legally registered or licensed to practice forestry in that state, and indicating the final date on which their registration or license remains valid, shall be accepted by the Board as adequate evidence. This provision shall not apply unless the state in which the applicant is registered or licensed observes similar rules of reciprocity in regard to persons registered under the provisions of G.S. 89B.

(b) If the Board determines that the reciprocity applicant is qualified to practice as a registered forester in North Carolina, the Board shall issue a letter conveying this approval.

(c) The fee for obtaining such reciprocity shall be the same as is charged a North Carolina resident seeking to obtain



registration in the state of North Carolina. (See Rule .0106 of this Section).

*History Note: Authority G.S. 89B-6; 89B-9;  
Eff. February 1, 1976  
Amendment Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000.*

**.0122 HANDLING OF COMPLAINTS**

(a) The Board, upon receipt of a notarized letter identifying specific complaints of gross negligence, fraud, deceit or flagrant misconduct in the practice of forestry or incompetence by a registered forester, shall follow-up by written correspondence to the accused requesting a response to the accusation. The Board may request the complainant, the accused registrant, or both to personally appear before the Board.

(b) Following a review of the facts and verification of the violation, the Board may choose appropriate action, which may include:

- (1) revocation or suspension of the individual as a registered forester as outlined in Rule .0106 of this Section.
- (2) warning to the registrant outlining the violation and directing that it be stopped.

*History Note: Authority G.S. 89B-2; 89B-6; 89B-13; 89B-15; 150B-3; 150B-38;  
Eff. November 1, 1993;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000.*

**.0123 CONTINUING EDUCATION**

(a) All registered foresters shall attend continuing education courses annually to maintain their registration. Ten CFE (Continuing Forester Education) credits approved by the Society of American Foresters' CFE Coordinator shall be required each year, beginning with the fiscal year July 1, 1999 through June 30, 2000, except as outlined in paragraph (c) of this Rule. CFE's must be SAF category 1, 2, 3 or 4, with at least six being from category 1.

(b) Registered foresters shall verify CFE compliance to the Board with each annual renewal.

(c) Those registered foresters who provide information to the Board which verifies that they are fully retired from a career in forestry may qualify to continue their registration by earning a minimum of three category 1, 2, 3, or 4 CFE's annually.

*History Note: Authority G.S. 89B-6; 89B-11;  
Temporary Adoption Eff. March 1, 1999;  
Eff. August 1, 2000.*

**CHAPTER 1 - OFFICE OF STATE PERSONNEL**

**SUBCHAPTER 1B - STATE PERSONNEL  
COMMISSION**

**SECTION .0400 - APPEAL TO COMMISSION**

**.0414 SITUATIONS IN WHICH ATTORNEY'S FEES  
MAY BE AWARDED**

Attorney's fees may be awarded by the State Personnel Commission only in the following situations:

- (1) the grievant is reinstated in accordance with Rule .0428 of this Section;
- (2) the grievant is awarded back pay from either a demotion or a dismissal, without regard to whether the grievant has been reinstated;
- (3) the grievant is determined, by the Commission or by the agency's internal grievance procedure, to have been discriminated against or harassed in violation of G.S. 126-16 or G.S. 126-36;
- (4) the grievant is awarded back pay as the result of a successful grievance alleging a violation of G.S. 126-7.1;
- (5) the grievant is the prevailing party in a final appeal of a Commission decision;
- (6) any combination of the situations listed in this Rule.

Attorney's fees may be awarded when any of the above situations occur, either within the agency internal grievance procedure, in an appeal to the State Personnel Commission, or in an appeal of a State Personnel Commission decision.

*History Note: Authority G.S. 126-4(11); 126-7.1;  
Eff. September 1, 1987;  
Amended Eff. March 1, 1996; July 1, 1989;  
Temporary Amendment Eff. February 18, 1999;  
Amended Eff. August 1, 2000.*

**.0434 DISCRIMINATION**

In those cases in which the State Personnel Commission finds an act of discrimination or unlawful workplace harassment prohibited by G.S. 126-16, G.S. 126-36 or G.S. 126-36.1, the Commission may order reinstatement, back pay, transfer, promotion or other appropriate remedy. The Commission shall also have the authority in such cases to order other corrective remedies to ensure that the same or similar discriminatory acts do not recur.

*History Note: Authority G.S. 126-4(9); 126-16; 126-36;  
126-36.1;  
Eff. September 1, 1987;  
Temporary Amendment Eff. February 18, 1999;  
Amended Eff. August 1, 2000.*

**SUBCHAPTER 1C - PERSONNEL ADMINISTRATION**

**TITLE 25 - OFFICE OF STATE PERSONNEL**

## SECTION .0200 - GENERAL EMPLOYMENT POLICIES

### .0214 UNLAWFUL WORKPLACE HARASSMENT

(a) Purpose. The purpose of this policy is to establish that the State of North Carolina prohibits in any form unlawful workplace harassment of state employees or applicants, and to require that every agency subject to the State Personnel Act establishes policies and programs to ensure that work sites are free of unlawful workplace harassment.

(b) Unlawful workplace harassment is defined as unsolicited, and unwelcome speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

(c) Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

(d) Quid Pro Quo harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

(e) Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

(f) Policy. The policy of the State of North Carolina is that no state employee may engage in conduct that falls under the definition of unlawful workplace harassment indicated in Paragraph (b) of this Rule. No personnel decisions shall be made on the basis of race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G.S. 168A-3, except as allowed by law. All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation. Unlawful workplace harassment is deemed a form of discrimination prohibited by G.S. 126-16 and G.S. 126-36.

(g) Grievances. Any current or former state employee who feels he/she has been the victim of unlawful workplace harassment in violation of this Rule or applicable law may file a grievance/complaint through the departmental procedures for filing these claims. Filing such a written grievance/complaint shall be a prerequisite to any further appeal to the State Personnel Commission regarding unlawful workplace harassment. After the employee's written grievance/complaint is submitted to the department or agency, the department or

agency shall have 60 calendar days within which to consider the grievance/complaint and take appropriate remedial action, if any. Consistent with G.S. 126-34, G.S. 126-34.1, G.S. 126-36 and G.S. 126-36.1 any current or former state employee who feels that he/she has been subjected to unlawful workplace harassment may appeal directly to the State Personnel Commission (such appeal consisting of a contested case hearing under G.S. 150B and a decision by the Personnel Commission) only after submitting a written grievance/complaint and waiting 60 calendar days from the submission of the grievance/complaint.

(h) Departmental Plans. Each department head or university chancellor shall include as a supplement to the Affirmative Action Plan a plan setting forth the steps to be taken to prevent and correct unlawful workplace harassment. Each department or university shall submit such a plan to the Office of State Personnel for review, technical assistance, and approval by the Director of State Personnel. Each plan on unlawful workplace harassment shall, at the minimum, include:

- (1) publication and dissemination of a policy statement establishing that unlawful workplace harassment of employees and applicants is prohibited;
- (2) establishment of internal procedure to handle complaints of unlawful workplace harassment or retaliation. This procedure shall provide prompt investigation and resolution of complaints within the department or university and shall offer the employee recourse other than through the immediate supervisor;
- (3) utilization of training and other methods to prevent unlawful workplace harassment;
- (4) statement that the department will, in allegations of unlawful workplace harassment, review the entire record and the totality of the circumstances, to determine whether the alleged conduct constitutes unlawful workplace harassment;
- (5) a method for implementing appropriate disciplinary actions for conduct determined to constitute unlawful workplace harassment, to be implemented on a case-by-case basis on the facts of each complaint, and to ensure that disciplinary actions shall be consistently and fairly applied;
- (6) prohibition of internal interference, coercion, restraint or reprisal against any person complaining of alleged unlawful workplace harassment;
- (7) notification to all employees that a complaint or allegation of unlawful workplace harassment must be filed within the department or agency and that the agency or department has 60 calendar days to take appropriate action, if any, in response to the complaint prior to the filing of a complaint of unlawful workplace harassment with the State Personnel Commission.



*History Note: Authority G.S. 126-4; 126-16; 126-17; 126-36; 126-36.1;*

*Eff. December 1, 1980;*

*Amended Eff. November 1, 1988; April 1, 1983;*

*Temporary Amendment Eff. February 18, 1999;*

*Amended Eff. August 1, 2000.*

## **SUBCHAPTER 1H - RECRUITMENT AND SELECTION**

### **SECTION .0600 - GENERAL PROVISIONS**

#### **.0602 POSTING AND ANNOUNCEMENT OF VACANCIES**

(a) All agencies shall select from the most qualified persons to fill vacant positions. Employment shall be offered based upon the job-related qualifications of applicants for employment using fair and valid selection criteria and not on political affiliation or political influence. For purposes of this policy, "political affiliation" is the membership in, participation in, or support of, a particular political party, group, or candidate; "political influence" occurs when political affiliation impacts the decision to hire or not to hire and the selection decision was not based on fair and valid selection criteria.

(b) Vacant positions to be filled in state government shall be publicized by the agency having the vacancy to permit an open opportunity for all interested employees and applicants to apply. The term "agency" as used in this Subsection includes all state departments, institutions, commissions, and boards. The recruitment and selection process shall be consistently applied, non-discriminatory and promote open and fair competition and the hiring of a diverse workforce.

(c) Vacancies which shall be filled from within the agency workforce shall have an application period of not less than five working days and shall be prominently posted in at least the following locations:

- (1) The personnel office of the agency having the vacancy; and
- (2) The particular work unit of the agency having the vacancy.

(d) If the decision is made, initially or at any time a vacancy remains open, to receive applicants from within the overall state government workforce, that vacancy shall be listed with the Office of State Personnel for the purpose of informing current state employees of the opening. Such vacancies shall have an application period of not less than seven working days from the time the listing is received by the Office of State Personnel. Each vacancy for internal posting or listing with the Office of State Personnel shall be described in an announcement which includes at minimum the position number, title, salary range, essential functions, knowledge and skill requirements, minimum training and experience standard, the application period and the appropriate contact person. Each vacancy listing must include a closing date unless the classification has been determined as critical. Factors used in

determining critical classifications shall include: agency turnover; number of positions in class; geographic location; scarcity of skills; safety, health or quality of care for clients. Such critical classifications, which shall not require closing dates on vacancy postings, shall be approved by the State Personnel Commission. On those classes determined to be critical, which are considered open, continuous postings, agencies shall determine how long applications shall be considered active. Posting requirements shall not apply to:

- (1) Vacancies which must be used to meet management necessity, for which an agency shall not openly recruit. Examples include vacancies committed to a budget reduction, vacancies used for disciplinary transfers or demotions, use of an existing vacancy to avoid reduction in force, and transfer of an employee to an existing opening to avoid the threat of bodily harm.
- (2) Vacancies for positions which have been designated exempt policy-making under G.S. 126-5(d).
- (3) Vacancies which must be filled immediately to prevent work stoppage in constant demand situations, or to protect the public health, safety, or security.
- (4) Vacancies for positions to be filled by chief deputies and chief administrative assistants to elected or appointed department heads; and vacancies for positions to be filled by confidential assistants and confidential secretaries to elected or appointed department heads, chief deputies, or chief administrative assistants. The decision to exercise a vacancy posting exception based upon Paragraphs (d)(1) and (3) of this Rule shall be the responsibility of the agency head. The Office of State Personnel is available upon request to provide counsel and guidance in instances of uncertainty.

(e) Any vacancy for which an agency wishes to consider outside applicants or outside applicants concurrently with the state government work force shall be listed simultaneously with the appropriate Employment Security Commission office, as required by G.S. 96-29, and with the Employment Practices and Priorities Section of the Office of State Personnel. Listings shall include the appropriate announcement information and vacancies so listed shall have an application period of not less than seven work days.

(f) If an agency makes an initial effort to fill a vacancy from within the state government work force only, and is unsuccessful, the listing with the Employment Security Commission would take place when a decision is made to recruit outside. A vacancy which an agency will not fill for any reason shall not be listed; if conditions change, it shall then be treated as a new vacancy.

(g) The Office of State Personnel may withhold approval for an agency to fill a job vacancy if the agency cannot prove to the satisfaction of the Office of State Personnel that it complied with these posting requirements. If any agency hires any person in violation of these posting requirements, and it is determined by the Office of State Personnel that the

employment of the person hired must be discontinued as a result of the posting violation, the agency shall pay such person for the work performed during the period of time between his/her initial employment and separation.

(h) When a vacancy is listed with the Employment Security Commission, the listing agency may not fill the job opening for at least 21 days after the listing has been filed and the local office with which the listing is made shall be notified by the agency within 15 days after the vacancy is filled. Upon agency request the Employment Security Commission may waive the waiting period for filling listed vacancies in job classifications for which the State Personnel Commission has recognized candidates are in short supply if it hinders the agency in providing essential services.

*History Note: Filed as a Temporary Amendment Eff. October 1, 1987, for a Period of 180 Days to Expire on March 28, 1988;*

*Authority G.S. 96-29; 126-4(4);*

*Eff. December 1, 1985;*

*RRC Objection January 21, 1988;*

*Curative Amended Eff. November 1, 1988;*

*Amended Eff. August 1, 2000; June 1, 1992; March 1, 1990; November 1, 1989;*

*Amended Eff. August 1, 2000.*

## **SUBCHAPTER 1J - EMPLOYEE RELATIONS**

### **.0503 MINIMUM PROCEDURAL REQUIREMENTS**

The following provisions are the minimum requirements for approval by the State Personnel Commission.

- (1) An employee with a grievance that does not allege unlawful discrimination as defined by G.S. 126-16 or G.S. 126-36, that does not allege a violation of G.S. 126-7.1(a) or (c), G.S. 126-82, or that does not allege a denial of employment or promotion in violation of G.S. 126-14.2 shall be required to first discuss the problem with the immediate supervisor. Where the grievance does not fall within the administrative or decision-making authority of the immediate supervisor, the immediate supervisor, shall within 48 hours of receipt of the grievance, refer the grievance to the lowest level supervisor with administrative or decision-making authority over the subject matter of the grievance and notify the employee of the fact of and the basis for the referral. The agency grievance procedure must outline those issues in addition to contested case issues under G.S. 126-34.1, if any, that are grievable under each agency's internal grievance procedure and whether and to what extent persons who have not attained career status under G.S. 126-1.1 may utilize the agency grievance procedure.
- (2) The employee shall have the right to have the decision of the immediate supervisor reviewed. The step or steps after the immediate supervisor's step

must include a step at which the employee has the right to orally present the grievance and where the reviewer is outside the employee's chain of command.

- (3) Any decision rendered after the step of the supervisor's decision shall be issued in writing and the final agency decision shall be issued within a reasonable period of time as defined in this Section.
- (4) At the step involving the reviewer (person or body) outside the employee's chain of command, the employee shall have the right to challenge whether the reviewer can render an unbiased decision. The agency grievance procedure shall establish a process for challenging the reviewer's impartiality and the process for the selection of a replacement when necessary.
- (5) For matters that are contested case issues under G.S. 126-34.1, if the employee is not satisfied by the final decision of the agency head, the employee shall have the right to appeal to the State Personnel Commission within 30 days of receipt of the final agency decision. If the employee is unable within a reasonable period of time to obtain a final agency decision, the employee's right of appeal is governed by G.S. 150B-23(f).
- (6) The agency shall state the methods of notifying current employees and newly appointed employees of any change to the agency grievance procedure no later than 30 days prior to the effective date of the change.
- (7) The agency shall establish the time limit for the agency and employee to respond at each step in the grievance procedure. No time limit for an agency to respond or to act shall be more than twice the time limit for the employee.
- (8) The grievance procedure shall include the effective date of the procedure and of any changes to the procedure.
- (9) The grievance procedure shall comply with the requirements of 25 NCAC 1J .0615.

*History Note: Authority G.S. 126-4(9); 126-4(10); 126-35; 150B-23;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2000; December 1, 1995; April 1, 1989; December 1, 1985; October 1, 1980; August 1, 1977.*

### **.0506 DISCRIMINATION**

(a) A state employee has the right of direct appeal to the State Personnel Commission or has the option of using the grievance procedure established within the employee's agency if the employee so desires. If an employee elects to utilize the agency grievance procedure, the employee must appeal an alleged act of discrimination within the time frames set by the agency grievance procedure. An employee who chooses to bypass the agency's internal grievance procedure and appeal



directly to the Commission must do so within 30 calendar days of notice of the alleged discriminatory action.

(b) An employee who alleges unlawful workplace harassment shall have the right to bypass any step in the applicable agency procedure involving review of or decisions by the alleged harasser. An employee who has an unlawful workplace harassment complaint must submit an unlawful workplace harassment complaint in writing to the agency or department within 30 calendar days of the alleged harassing action. The agency or department has 60 calendar days to take appropriate action, if any, in response to the complaint. After the agency or department has had 60 calendar days in which to take appropriate action, if any, in response to the complaint of unlawful workplace harassment, the employee may file a complaint of unlawful workplace harassment with the State Personnel Commission within 30 calendar days of the 60th day of the period of time which the agency or department is given to consider the unlawful workplace harassment complaint and take appropriate action, if any.

*Authority* G.S. 126-4(9); 126-4(17); 126-7.2; 126-16; 126-34.1; 126-34.2; 126-38;

*Eff.* February 1, 1976;

*Amended Eff.* December 1, 1995;

*Temporary Amendment Eff.* February 18, 1999;

*Amended Eff.* August 1, 2000.

#### **.0603 APPEALS**

(a) A career employee who has been demoted, suspended or dismissed shall have 15 calendar days from the date of his receipt of written notice of such action to file an appeal with his department/university grievance procedure. Grievances which do not allege discrimination, a violation of G.S. 126-7.1(a) or (c), a violation of G.S. 126-82, or that do not allege a denial of employment or promotion in violation of G.S. 126-14.2 must follow the department or university grievance procedure. An appeal to the State Personnel Commission of a final departmental or university decision must be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 within 30 calendar days of receipt of the final agency decision. Grievances which allege unlawful workplace harassment must be submitted in writing to the agency or department, within 30 calendar days of the alleged harassing action, and the agency or department must be given 60 calendar days in which to take appropriate remedial action, if any. An appeal to the State Personnel Commission of unlawful workplace harassment must be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 and within 30 calendar days of the 60<sup>th</sup> day of the period given to the agency to consider the unlawful workplace harassment complaint.

(b) Grievances which allege discrimination not including unlawful workplace harassment may, at the election of the employee, proceed through the department or university procedure or proceed directly to the State Personnel Commission (SPC) for a hearing by the Office of Administrative Hearings (OAH) and a decision by the SPC. A

direct appeal to the SPC (such appeal involving a contested case hearing by the OAH and a recommended decision by that agency to the SPC) alleging discrimination not including unlawful workplace harassment must be filed in accordance with G.S. 150B-23 and must be filed within 30 calendar days of receipt of notice of the alleged discriminatory act.

(c) Grievances which allege a violation of G.S. 126-14.2 must be filed with the Civil Rights Division of the OAH within 30 calendar days after the employee or applicant receives written notice that the position in question has been filled. The employee or applicant must file a petition for a contested case hearing pursuant to G.S. 126-34.1 and Article 3 of Chapter 150B within 15 days of the initial determination by the OAH Civil Rights Division that there has been a violation of G.S. 126-14.2.

(d) Grievances filed on an untimely basis (see G.S. 126-14.4, 126-35, 126-36 and 126-38) must be dismissed. Allegations of discrimination raised more than 30 calendar days after receipt of notice of the occurrence of the alleged discriminatory act must be dismissed. Grievances alleging unlawful workplace harassment raised more than 30 calendar days after the 60th day of the 60-day time period given to the agency to consider an unlawful workplace harassment complaint must be dismissed.

*Authority* G.S. 126-1A; 126-35; 126-36; 126-38; 150B, Article 3; 150B-23;

*Eff.* February 1, 1976;

*Amended Eff.* March 1, 1994; April 1, 1989; December 1, 1984; October 1, 1984;

*Temporary Amendment Eff.* February 18, 1999;

*Amended Eff.* August 1, 2000.

## **TITLE 26 - OFFICE OF ADMINISTRATIVE HEARINGS**

### **CHAPTER 1 - GENERAL**

#### **.0101 LOCATION**

The principal office of the Office of Administrative Hearings is located at 424 North Blount Street, Raleigh, North Carolina. The mailing address is 6714 Mail Service Center, Raleigh, NC 27699-6714.

*History Note:* *Authority* G.S. 7A-751(a);

*Eff.* January 1, 1991;

*Amended Eff.* December 1, 1999; April 1, 1991.

#### **.0104 EMPLOYEE INSURANCE COMMITTEE**

(a) The Employee Insurance committee of the Office of Administrative Hearings shall be constituted pursuant to G.S. 58-31-60, to make insurance available to employees through payroll deduction.

(b) Advertisement for submission of proposals shall be published in the following newspapers: Raleigh News and

Observer, Charlotte Observer, Asheville Citizen-Times and the Wilmington Star.

(c) Any Insurer wishing to make a presentation to the committee must submit a written proposal outlining its plan no less than 30 days prior to the date of the committee meeting.

(d) All proposals shall be sent to the committee addressed as follows: Chairman, Employee Insurance Committee, Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

*History Note: Authority G.S. 7A-751(a); 58-31-60; Eff. February 1, 1987; Recodified from 26 NCAC 1 .0003 Eff. January 1, 1991; Amended Eff. December 1, 1999; April 1, 1991; January 1, 1991.*

## **CHAPTER 2 - RULES DIVISION**

### **SUBCHAPTER 2C - SUBMISSION PROCEDURES FOR RULES AND OTHER DOCUMENTS TO BE PUBLISHED IN THE NORTH CAROLINA REGISTER AND THE NORTH CAROLINA ADMINISTRATIVE CODE**

#### **SECTION .0300 - THE NORTH CAROLINA REGISTER**

##### **.0303 AVAILABILITY OF THE NORTH CAROLINA REGISTER**

(a) An annual subscription to the Register shall be one hundred and ninety-five dollars (\$195.00) plus NC sales tax if applicable.

(b) An annual electronic subscription shall be two hundred and thirty-five dollars (\$235.00) plus NC sales tax if applicable.

(c) Individual issues shall be ten dollars (\$10.00) plus N.C. sales tax if applicable.

(d) A five percent discount shall be applied to the total subscription price when ordering multiple copies delivered to the same address.

(e) A person requesting a subscription shall direct the request to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

*History Note: Authority G.S. 150B-21.25; Temporary Adoption Eff. November 1, 1995; Eff. April 1, 1996; Amended Eff. December 1, 1999.*

## **CHAPTER 4 - CIVIL RIGHTS DIVISION**

### **SECTION .0100 - GENERAL**

#### **.0102 CONTENT AND PROCEDURE**

(a) Any person wishing to file a complaint of alleged discrimination as defined in Rule .0101 of this Section with the EEOC shall address a petition to:

Director of Civil Rights Division  
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
or  
District Director  
EEOC  
129 West Trade Street  
Charlotte, NC 28202

(b) The petition shall include the following information:

- (1) Full name, address and telephone number (work and home), of person making the charge;
- (2) Full name and address of person or agency against whom the charge is made (the respondent);
- (3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practices;
- (4) A statement of specific harm and dates the harm occurred;
- (5) For each harm - a statement specifying the act, policy or practice which is alleged to be unlawful;
- (6) For each act, policy or practice alleged, a statement of the facts which lead the person to believe the act, policy or practice is discriminatory;
- (7) The approximate number of employees of the respondent employer;
- (8) A statement disclosing whether proceedings involving the alleged unlawful employment practices have been commenced before a state or local agency charged with the enforcement of fair employment practice laws and if so, the date of such commencement and the name of the agency.

(c) Notwithstanding the provisions of this Paragraph (b), a charge is sufficient when the commission receives from the person making the charge a written statement sufficiently precise to identify the parties and to describe the action complained of.

(d) The EEOC shall examine the petition and determine its appropriateness. If appropriate, it shall be assigned an EEOC docket number and forwarded to the Office of Administrative Hearings, the designated 706 deferral agency.

(e) The OAH shall assess the case to determine if it is within its authority. If so, the case shall be assigned an OAH docket number. If the case is not within OAH's authority the case shall be returned to EEOC.

*History Note: Filed as a Temporary Rule Eff. October 15, 1986 For a Period of 120 Days to Expire on February 11, 1987; Authority G.S. 7A-759; Eff. February 1, 1987;*



*Amended Eff. December 1, 1999; April 1, 1991; April 1, 1989.*

**.0103 NOTIFICATION OF INVESTIGATION**

(a) Upon a determination to investigate a case the OAH shall notify the complainant and the respondent that an investigation will be commenced.

(b) Any person involved in a case wishing to submit information regarding the case must do so through written correspondence and sent to:

Director of Civil Rights Division  
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

The correspondence must state the names of complainant and the respondent and the OAH docket number.

*History Note: Filed as a Temporary Rule Eff. October 15, 1986 For a Period of 120 Days to Expire on February 11, 1987;*

*Authority G.S. 7A-759;*

*Eff. February 1, 1987;*

*Amended Eff. December 1, 1999; April 1, 1991; April 1, 1989.*

**.0104 ADDITIONAL INFORMATION**

Persons desiring information in addition to that provided in a particular case may contact:

Civil Rights Division  
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

*History Note: Filed as a Temporary Rule Eff. October 15, 1986 For a Period of 120 Days to Expire on February 11, 1987;*

*Authority G.S. 7A-759;*

*Eff. February 1, 1987;*

*Amended Eff. December 1, 1999; April 1, 1991; April 1, 1989.*

**.0202 CONTENT AND FILING PROCEDURES**

(a) Forms for filing political discrimination complaints may be obtained from the Civil Rights Division, 6714 Mail Service Center, Raleigh, NC 27699-6714 or 919-733-0431. Any person wishing to file a complaint of alleged political discrimination shall address the complaint to:

Director of Civil Rights Division  
Office of Administrative Hearings  
6714 Mail Service Center,  
Raleigh, NC 27699-6714

(b) The complainant may file a political discrimination complaint and related documents by facsimile (fax) transmission during regular office hours. The faxed complaints and documents shall be deemed a "filing" within the meaning of 26 NCAC 4 .0201(3) provided the original complaint or documents are received by the Civil Rights Division within five business days following the faxed transmission.

(c) The complaint shall include the following information:

- (1) Full name, address and telephone number (work and home) of person making the complaint;
- (2) Full name, address and telephone number of the agency against whom the complaint is made (the respondent);
- (3) The basis of the complaint (hiring or promotion);
- (4) The date the alleged discrimination occurred;
- (5) The name(s) of the individual(s) hired or promoted;
- (6) A statement disclosing the particulars of the employment decision;
- (7) The signature of the person making the complaint; and
- (8) The date the complainant signed the complaint.

*History Note: Authority G.S. 7A-751; 126-14.4;*

*Temporary Adoption Eff. January 1, 1998;*

*Eff. August 1, 1998;*

*Amended Eff. December 1, 1999; August 1, 1998.*

**SECTION .0200 - POLITICAL DISCRIMINATION  
COMPLAINTS**

This Section contains the agenda for the next meeting of the Rules Review Commission on Wednesday, November 17, 1999, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Friday, November 12, 1999, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Teresa L. Smallwood, Vice Chairman  
 John Arrowood  
 Laura Devan  
 Jim Funderburke  
 David Twiddy

**Appointed by House**

Paul Powell, Chairman  
 Walter Futch  
 Jennie J. Hayman  
 George Robinson  
 R. Palmer Sugg

**RULES REVIEW COMMISSION MEETING DATES**

November 17, 1999  
 December 16, 1999  
 January 20, 2000

February 17, 2000  
 March 16, 2000  
 April 13, 2000

**LOG OF FILINGS**

**RULES SUBMITTED: SEPTEMBER 20, 1999 THROUGH OCTOBER 20, 1999**

AGENCY/DIVISIO	RULE NAME	RULE CITATION	ACTION
<b>DEPARTMENT OF/BOARD OF AGRICULTURE</b>			
	Importation Requirements: Swine	2 NCAC 52B .0207	Amend
	Brucellosis Requirements for Sale of Cattle	2 NCAC 52B .0302	Amend
	Certificates: Cattle and Swine Removed	2 NCAC 52E .0209	Amend
<b>DEPARTMENT OF COMMERCE/BANKING COMMISSION</b>			
	Definitions	4 NCAC 3L .0101	Adopt
	Filings	4 NCAC 3L .0102	Adopt
	Application for Licensure	4 NCAC 3L .0201	Adopt
	Fees	4 NCAC 3L .0202	Adopt
	Issuance	4 NCAC 3L .0301	Adopt
	Nontransferability of License	4 NCAC 3L .0302	Adopt
	Annual Renewal of License	4 NCAC 3L .0303	Adopt
	Posting of License	4 NCAC 3L .0401	Adopt
	Surrender of License	4 NCAC 3L .0402	Adopt
	Posting of Fees	4 NCAC 3L .0403	Adopt
	Cash-Out Transactions	4 NCAC 3L .0404	Adopt
	Limitation on Delayed Deposit Check Cashing	4 NCAC 3L .0405	Adopt
	Books and Records	4 NCAC 3L .0501	Adopt
	Examinations: Investigations	4 NCAC 3L .0502	Adopt
	Amendments to Information on File	4 NCAC 3L .0601	Adopt
	Expansion or Relocation	4 NCAC 3L .0602	Adopt
	Impairment of Financial Requirements	4 NCAC 3L .0603	Adopt
	Report of Information to Commissioner	4 NCAC 3L .0604	Adopt
	Enforcement Actions	4 NCAC 3L .0701	Adopt



**DHHS/DIVISION OF FACILITY SERVICES**

Definitions	10 NCAC 3R .1613	Amend
Required Performance Standards	10 NCAC 3R .1615	Amend
Definitions	10 NCAC 3R .1713	Amend
Information Required of Applicant	10 NCAC 3R .1714	Amend
Required Performance Standards	10 NCAC 3R .1715	Amend
Definitions	10 NCAC 3R .1912	Amend
Information Required of Applicant	10 NCAC 3R .1913	Amend
Required Performance Standards	10 NCAC 3R .1914	Amend
Definitions	10 NCAC 3R .2113	Amend
Definitions	10 NCAC 3R .2713	Amend
Required Performance Standards	10 NCAC 3R .2715	Amend
Required Performance Standards	10 NCAC 3R .4203	Amend
Applicability of Rules Related to 1999 State Plan	10 NCAC 3R .6201	Adopt
Certificate of Need Review Categories	10 NCAC 3R .6202	Adopt
Certificate of Need Review Schedule	10 NCAC 3R .6203	Adopt
Multi-County Groupings	10 NCAC 3R .6204	Adopt
Service Areas and Planning Areas	10 NCAC 3R .6205	Adopt
Reallocations and Adjustments	10 NCAC 3R .6206	Adopt
Acute Care Bed Need Determination	10 NCAC 3R .6207	Adopt
Rehabilitation Bed Need Determination	10 NCAC 3R .6208	Adopt
Ambulatory Surgical Facilities Need Determination	10 NCAC 3R .6209	Adopt
Open-Heart Surgery Services	10 NCAC 3R .6210	Adopt
Heart-Lung Bypass Machines	10 NCAC 3R .6211	Adopt
Fixed Cardiac Catheterization Equipment	10 NCAC 3R .6212	Adopt
Mobile Cardiac Catheterization Equipment	10 NCAC 3R .6213	Adopt
Burn Intensive Care Services Need Determination	10 NCAC 3R .6214	Adopt
Positron Emission Tomography Scanners Need Deter	10 NCAC 3R .6215	Adopt
Bone Marrow Transplantation Services Need Deter	10 NCAC 3R .6216	Adopt
Solid Organ Transplantation Services Need	10 NCAC 3R .6217	Adopt
Gamma Knife Need Determination	10 NCAC 3R .6218	Adopt
Lithotripter Need Determination	10 NCAC 3R .6219	Adopt
Radiation Oncology Treatment Centers Need	10 NCAC 3R .6220	Adopt
Magnetic Resonance Imaging Scanners Need	10 NCAC 3R .6221	Adopt
Nursing Care Bed Need Determination	10 NCAC 3R .6222	Adopt
Home Health Agency Office Need Determination	10 NCAC 3R .6223	Adopt
Dialysis Station Need Determination	10 NCAC 3R .6224	Adopt
Hospice Need Determination	10 NCAC 3R .6225	Adopt
Hospice Inpatient Facility Bed Need	10 NCAC 3R .6226	Adopt
Psychiatric Bed Need Determination	10 NCAC 3R .6227	Adopt
Chemical Dependency Treatment Bed Need	10 NCAC 3R .6228	Adopt
Intermediate Care Beds for Mentally Retarded	10 NCAC 3R .6229	Adopt
Policies for General Acute Care Hospitals	10 NCAC 3R .6230	Adopt
Policies for Inpatient Rehabilitation Services	10 NCAC 3R .6231	Adopt
Policy for Ambulatory Surgical Facilities	10 NCAC 3R .6232	Adopt
Policy for Provision of Hospital-Based Care	10 NCAC 3R .6233	Adopt
Policy for Nursing Care Beds	10 NCAC 3R .6234	Adopt
Policy for Determination of Need	10 NCAC 3R .6235	Adopt
Policy for Relocation of Certain Nursing Beds	10 NCAC 3R .6236	Adopt
Policy for Home Health Services	10 NCAC 3R .6237	Adopt
Policy for End-Stage Renal Disease Dialysis	10 NCAC 3R .6238	Adopt
Policies for Psychiatric Inpatient Facilities	10 NCAC 3R .6239	Adopt
Policy for Chemical Dependency Treatment	10 NCAC 3R .6240	Adopt
Policies for Intermediate Care Facilities	10 NCAC 3R .6241	Adopt
Definitions	10 NCAC 3S .0108	Repeal
Policies and Procedures	10 NCAC 3S .0109	Repeal
Certification Required	10 NCAC 3S .0207	Repeal

Types of Certification	10 NCAC 3S .0208	Repeal
Application	10 NCAC 3S .0209	Repeal
Inspection	10 NCAC 3S .0210	Repeal
Review Team: Review Process	10 NCAC 3S .0211	Repeal
Adverse Action	10 NCAC 3S .0213	Repeal
Procedure for Appeal	10 NCAC 3S .0214	Repeal
Composition of Staff	10 NCAC 3S .0307	Repeal
Minimal Education Standards	10 NCAC 3S .0308	Repeal
Admission Criteria	10 NCAC 3S .0407	Repeal
Patient Assessment	10 NCAC 3S .0408	Repeal
Team Coordination and Staffings	10 NCAC 3S .0506	Repeal
Cardiac Therapy	10 NCAC 3S .0507	Repeal
Diet Therapy	10 NCAC 3S .0508	Repeal
Psychological Services	10 NCAC 3S .0509	Repeal
Vocational Rehabilitation Counseling and Services	10 NCAC 3S .0510	Repeal
Review	10 NCAC 3S .0511	Repeal
Progress Evaluation and Follow-Up Procedures	10 NCAC 3S .0614	Repeal
Medical Follow-Up	10 NCAC 3S .0615	Repeal
Cardiac Therapy Follow-Up	10 NCAC 3S .0616	Repeal
Dietary Follow-Up	10 NCAC 3S .0617	Repeal
Psychological Follow-Up	10 NCAC 3S .0618	Repeal
Vocational Rehabilitation Follow-Up	10 NCAC 3S .0619	Repeal
Criteria for Discharge	10 NCAC 3S .0706	Repeal
Discharge Plan	10 NCAC 3S .0707	Repeal
Policies and Procedures	10 NCAC 3S .0806	Repeal
Record Review Consent	10 NCAC 3S .0807	Repeal
Content of Medical Record	10 NCAC 3S .0808	Repeal
Emergency Plan	10 NCAC 3S .0901	Repeal
Emergency Equipment	10 NCAC 3S .0902	Repeal
Personnel	10 NCAC 3S .0903	Repeal
Emergency Drills	10 NCAC 3S .0904	Repeal
Program Requirements	10 NCAC 3S .1001	Repeal
Graded Exercise Testing Laboratory Evaluation	10 NCAC 3S .1002	Repeal
Cardiac Therapy	10 NCAC 3S .1003	Repeal
Dietary Program	10 NCAC 3S .1004	Repeal
Psychological Program	10 NCAC 3S .1005	Repeal
Vocational Rehabilitation Program	10 NCAC 3S .1006	Repeal
Definitions	10 NCAC 3S .1101	Adopt
Certification Required	10 NCAC 3S .1201	Adopt
Certification Process	10 NCAC 3S .1202	Adopt
Certificate Renewal	10 NCAC 3S .1203	Adopt
Certification Following Program Changes	10 NCAC 3S .1204	Adopt
Inspections	10 NCAC 3S .1205	Adopt
Adverse Action	10 NCAC 3S .1206	Adopt
Procedure for Appeal	10 NCAC 3S .1207	Adopt
Staff Requirements and Responsibilities	10 NCAC 3S .1301	Adopt
Policies and Procedures	10 NCAC 3S .1302	Adopt
Continuous Quality Improvement	10 NCAC 3S .1303	Adopt
Patient Rights	10 NCAC 3S .1401	Adopt
Admission and Discharge	10 NCAC 3S .1501	Adopt
Patient Assessment	10 NCAC 3S .1601	Adopt
Care Planning	10 NCAC 3S .1701	Adopt
Follow-up Evaluation	10 NCAC 3S .1702	Adopt
Personnel	10 NCAC 3S .1801	Adopt
Exercise Therapy	10 NCAC 3S .1802	Adopt
Nutrition Services	10 NCAC 3S .1803	Adopt



Mental Health Services	10 NCAC 3S .1804	Adopt
Vocational Rehabilitation Counseling and Services	10 NCAC 3S .1805	Adopt
Patient Education	10 NCAC 3S .1806	Adopt
Emergency Plan	10 NCAC 3S .1901	Adopt
Emergency Equipment	10 NCAC 3S .1902	Adopt
Emergency Drills	10 NCAC 3S .1903	Adopt
Medical Records - Policies and Procedures	10 NCAC 3S .2001	Adopt
Content of Medical Records	10 NCAC 3S .2002	Adopt
Physical Environment and Equipment	10 NCAC 3S .2101	Adopt
Graded Exercise Testing Laboratory	10 NCAC 3S .2102	Adopt
Exercise Therapy	10 NCAC 3S .2103	Adopt
Nutrition Services	10 NCAC 3S .2104	Adopt
Mental Health Services	10 NCAC 3S .2105	Adopt
Vocational Rehabilitation Services	10 NCAC 3S .2106	Adopt
<b>DHHS/COMMISSION FOR THE BLIND</b>		
Secretary's Review & Final Decision	10 NCAC 19G .0823	Amend
Civil Action	10 NCAC 19G .0827	Amend
<b>DHHS/COMMISSION FOR MH/DD/SAS</b>		
Schedule IV	10 NCAC 45 .0205	Amend
<b>DEPARTMENT OF INSURANCE</b>		
Viatical Settlement Providers	11 NCAC 12 .1702	Amend
<b>DEPARTMENT OF INSURANCE</b>		
Collateral Security Returned	11 NCAC 13 .0514	Repeal
Continuing Education	11 NCAC 13 .0518	Repeal
<b>DENR/ENVIRONMENTAL MANAGEMENT COMMISSION</b>		
New Source Performance Standards	15 NCAC 2D .0524	Amend
Control of Emissions from Abrasive Blasting	15 NCAC 2D .0541	Adopt
Definitions	15 NCAC 2D .1801	Adopt
Control of Odors from Animal Operations	15 NCAC 2D .1802	Adopt
Best Management Plans for Animal Operations	15 NCAC 2D .1803	Adopt
Reporting Requirements for Animal Operations	15 NCAC 2D .1804	Adopt
Activities Exempted from Permit Requirements	15 NCAC 2Q .0102	Amend
<b>DENR/MARINE FISHERIES COMMISSION</b>		
Fishery Resource Grant Program	15 NCAC 3I .0117	Repeal
<b>DENR/COMMISSION FOR HEALTH SERVICES</b>		
General	15 NCAC 26C .0101	Adopt
Definitions	15 NCAC 26C .0102	Adopt
Birth Defects Advisory Committee	15 NCAC 26C .0103	Adopt
Surveillance of Birth Defects	15 NCAC 26C .0104	Adopt
Confidentiality	15 NCAC 26C .0105	Adopt
Release of Monitoring Program Information	15 NCAC 26C .0106	Adopt
<b>STATE BOARDS/N C ACUPUNCTURE LICENSING BOARD</b>		
Qualifications for Licensure	21 NCAC 1 .0101	Amend
<b>STATE BOARDS/N C LICENSING BOARD FOR GENERAL CONTRACTORS</b>		
Increase in Limitation	21 NCAC 12 .0504	Amend
<b>STATE BOARDS/N C BOARD OF NURSING</b>		
Reexamination	21 NCAC 36 .0213	Amend
<b>STATE BOARDS/N C BOARD OF PHARMACY</b>		
Absence of Pharmacist	21 NCAC 46 .1413	Amend
Prerequisites for Disease State Management Exam	21 NCAC 46 .1508	Adopt
<b>STATE BOARDS/N C PSYCHOLOGY BOARD</b>		
HSP-P Requirements	21 NCAC 54 .2704	Amend
HSP-PA Requirements	21 NCAC 54 .2706	Amend
<b>OFFICE OF ADMINISTRATIVE HEARINGS</b>		
Contested Case Hearing	26 NCAC 4 .0108	Amend

**RULES REVIEW COMMISSION**

**September 30, 1999**  
**MINUTES**

The Rules Review Commission met on September 30, 1999, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, Teresa Smallwood, Jennie J. Hayman, Walter Futch, Jim Funderburk, John Arrowood, Laura Devan, David R. Twiddy, and George Robinson.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Harry Wilson	State Board of Education
Dedra Alston	DENR
Marge Howell	LABOR
Harry Payne	LABOR
Becky Brown	LABOR
Bob Andrews	LABOR
Kevin Beauregard	LABOR
Tom Hayes	LABOR
Angela S. Waldorf	LABOR
Joy Mayo	Womble Carlyle
Cleo A. Saulter	AFGW Union #1028
Linda Taylor	AFGW Union #1028
Barbara Laymon	DHHS/DPH/WCH
Michael E. Lynch	TWU 569
Glenn Jeranes	TWU 569
White Watkins	AFMA
Tom West	Poyner and Spruill
Steve Steinbeck	DENR/OSWS
Glenn Cutler	Office of the Chief Medical Examiner
Sabrina Lamar	Duke University
R. Todd Brown	CSX Transportation
Jennie W. Mau	Attorney General
Dr. Ada M. Fisher	Rowan County School Board
Tim H. Childers	LABOR
Lisa Thompson	JUSTICE/Criminal Justice Standards
Amy Fullbright	Hunton & Williams
Robin Pendergraft	Attorney General
Thomas Allen	DENR/DAQ
Butch Gunnells	N C Soft Drink Association
Stephen W. Marshall	University of North Carolina
Francis M. Nevils	DENR/DLR/LQS
Libby Manly	SAF
Lori Khamala	SAF
Shirley Bullard	DHHS/CHS
David Hance	DENR/DWQ/GWS
Greg Malhoit	N C Justice & Community Development Center
Hazel Chavis	CAT
Bettie Ragland	CAT
Jay Gervasi	Donaldson and Black
Tom O'Connor	NCOSH Project
James Sanders	NCOSH Project
Leslie Bevaqua	N C Citizens for Business & Industry
Fran E. Preston	N C Retail Merchants Association



Kathleen S. Glancy	Attorney
J L Holliday	DHHS/DPH/CDC
Russell Herman	Citizen
Scotty Jordan	Pace Local 2-0425
Alyce Gowdy Wright	NCOSH
Liz Sessoms	CWEA
Mary Granger	CWEA
Marilyn Gilliam	CWEA
Steve Smith	Lawyer
William Plyler	Lawyer
Molly Masich	OAH
William H. Potter, Jr.	N C Dental Society
Y H Patt	Attorney

## **APPROVAL OF MINUTES**

The meeting was called to order at 10:01 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the August 19, 1999 meeting. There being none, the minutes were approved.

## **FOLLOW-UP MATTERS**

12 NCAC 9A .0103: JUSTICE/Criminal Justice Education & Training Standards Commission – The amended rule submitted by the agency was approved by the Commission.

12 NCAC 9B .0106: JUSTICE/Criminal Justice Education & Training Standards Commission – The amended rule submitted by the agency was approved by the Commission.

12 NCAC 9B .0107, .0113, .0201, .0202, .0203, .0204, .0205, .0206, .0226, .0227, .0228, .0232, .0233 and .0305: JUSTICE/Criminal Justice Education & Training Standards Commission – Rules .0107 and .0113 were approved by the Commission. The rewritten rules submitted by the agency for .0201, .0202, .0203, .0204, .0205, .0206, .0226, .0227, .0228, .0232, .0233, and .0305 were approved by the Commission.

12 NCAC 9C .0211, .0212, and .0213: JUSTICE/Criminal Justice Education & Training Standards Commission – The rewritten rules submitted by the agency were approved by the Commission.

12 NCAC 10B .0103, .0502, and .0601: JUSTICE/Sheriffs' Education & Training Standards – The Commission has not yet met and thus there was no action taken on these rules.

15A NCAC 7H .1805: DENR/Coastal Resources Commission – The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 27 .0110, .0201, .0301, .0410, .0420, .0430, .0701, .0810, .0820, and .0840: DENR/Well Contractors' Certification Commission – The rewritten rules submitted by the agency were approved by the Commission with the exception of .0701 which was withdrawn by the agency.

## **LOG OF FILINGS**

Chairman Powell presided over the review of the log and all rules were approved with the following exceptions:

### ***LOG #156 – RULES FILED JULY 20 – AUGUST 20, 1999***

13 NCAC 7F .0601, .0603, .0605, and .0606: DEPARTMENT OF LABOR – The Commission objected to these rules due to lack of statutory authority. Each of these rules has a stated effective date of January 1, 2001. Session law 1999-395, Section 19.1(a) prohibits the Department from using, encumbering, or committing any funds from the 1999-2000 or 2000-2001 fiscal years appropriation to implement or enforce an ergonomics standard. There is therefore no authority for these rules to become effective before July 1, 2001. Commissioner Twiddy voted not to object. Commissioner Hayman recused herself from all Department of Labor rules.

13 NCAC 7F .0602: DEPARTMENT OF LABOR – The Commission objected to this rule due to ambiguity and lack of statutory authority for the effective date. In .0602(2) it is not clear what is meant by "awkward" objects or "extended" reaching. Commissioners Twiddy, Futch, and Smallwood voted not to object.

13 NCAC 7F .0604: DEPARTMENT OF LABOR – The Commission objected to this rule due to ambiguity and lack of statutory authority for the effective date. In .0604(b) it is not clear what is meant by "reduce...the employee's exposure," "maximum extent practicable," and "economically and technologically reasonable and feasible." Commissioner Smallwood voted not to object.

16 NCAC 6D .0503: STATE BOARD OF EDUCATION – The Commission objected to this rule due to lack of statutory authority. The provision in .0503(b)(4) authorizing the State Board of Education to allow enrollment in post secondary institutions in excess of five percent of a high school's enrollment is a waiver provision without specific guidelines as required by G.S. 150B-19(6). Commissioner Devan voted against the motion.

16 NCAC 6D .0504: STATE BOARD OF EDUCATION – The Commission objected to this rule due to ambiguity. In (b)(5) it is not clear what is meant by "upper elementary levels." Commissioner Devan voted against the motion.

21 NCAC 20 .0120: N C BOARD OF REGISTRATION FOR FORESTERS – The Commission objected to this rule due to lack of statutory authority. There is no authority cited for the Board to approve a forester practicing as a consulting forester. The only authority is for the Board to receive affidavits. There is also no authority for the Board to set additional requirements as (b) does.

24 NCAC 1H .0103: NC HOUSING FINANCE AGENCY – This rule was withdrawn by the agency.

***Log #157 – RULES FILED AUGUST 20 – SEPTEMBER 20, 1999***

15A NCAC 16A .1104: DHHS/Commission for Health Services – The Commission felt that the rule may accurately reflect the agency's requirements, but that the language could be more well written. It instructed the agency and staff to review and rewrite the rule as needed.

15A NCAC 19A .0502: DHHS/Commission for Health Services – The Commission objected to the original rule due to lack of statutory authority. There is no authority to add to the requirements listed in (c) without going through rulemaking. This is precisely what the agency wants to do, i.e. add "eligibility requirements" to the provider's agreement without rulemaking. The rewritten rule submitted by the agency was approved by the Commission.

16 NCAC 6H .0110: STATE BOARD OF EDUCATION – The Commission objected to this rule due to ambiguity. It is not clear what standards the State Board of Education will use in approving hearing officers.

25 NCAC 1B .0354: STATE PERSONNEL COMMISSION – This rule was withdrawn by the agency.

25 NCAC 1B .0437: STATE PERSONNEL COMMISSION – The Commission objected to this rule due to lack of statutory authority. The provisions in (b) and (h) allowing the Commission to extend the time limits for presentations is a waiver provision without the specific guidelines required by G.S. 150B-19(6). The provisions in (c), (d), (e), and (h), allowing the Commission to extend the time to file documents for "good cause shown" is also a waiver provision without specific guidelines.

25 NCAC 1H .0605: STATE PERSONNEL COMMISSION – The Commission objected to this rule due to ambiguity. In (d), it is not clear if the term "immediate family" includes others living in the same household or others.

25 NCAC 1H .0606: STATE PERSONNEL COMMISSION – The Commission objected to this rule due to lack of statutory authority and ambiguity. In (d), there is no authority to require agencies to develop a plan according to guidelines that have not been adopted as rules. It is also not clear what standards the Commission will use in approving the Plans. There is no authority to require agencies without approved plans to follow a process in a plan not adopted as a rule.

25 NCAC 1J .0512: STATE PERSONNEL COMMISSION – This rule was withdrawn by the agency.

**COMMISSION PROCEDURES AND OTHER MATTERS**



The election of officers was postponed until next month. The November meeting was changed due to a CLE scheduled for the regular date and the April meeting was changed due to the return of the legislature. The November meeting will be held on the 17<sup>th</sup> and the April meeting on the 13<sup>th</sup>. William Plyler stated that he had filed a motion to dismiss the lawsuit but he expected that the court would wait to see what happens to Senate Bill 960 before making a decision. He will keep the Commissioners apprised at all times.

The next meeting will be on November 17, 1999.

The meeting adjourned at 3:13 p.m.

Respectfully submitted,  
Sandy Webster

*This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.state.nc.us/OAH/hearings/decision/caseindex.htm>.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

*Chief Administrative Law Judge*  
JULIAN MANN, III

*Senior Administrative Law Judge*  
FRED G. MORRISON JR.

**ADMINISTRATIVE LAW JUDGES**

Sammie Chess Jr.  
Beecher R. Gray  
Melissa Owens

Meg Scott Phipps  
Robert Roosevelt Reilly Jr.  
Beryl E. Wade

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ADMINISTRATION</b>				
Britthaven, Inc. v. Department of Administration and Priva-Trends, Inc.	98 DOA 0811	Chess	06/10/99	
Laidlaw Transit Svcs. Inc. v. Katie G. Dorsett, Sec'y/Dept/Administration	99 DOA 0102	Morrison	06/11/99	14:02 NCR 115
<b>OFFICE OF ADMINISTRATIVE HEARINGS</b>				
Ted Murrell, Zarn, Inc. v. Office of Administrative Hearings	99 OAH 0665	Chess	07/14/99	
Samuel Lee Ferguson v. Office of Administrative Hearings	99 OAH 0718	Chess	07/16/99	
<b>AGRICULTURE</b>				
Archie McLean v. Department of Agriculture	98 DAG 1770	Reilly	07/12/99	14:04 NCR 349
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Alcoholic Beverage Control Commission v. Keyland, Inc., T/A Cloud 9	98 ABC 1099	Overby	01/17/99	
Alcoholic Beverage Control Commission v. Food Lion, Inc., Store #1351	98 ABC 1270	Gray	03/31/99	14:04 NCR 347
Alcoholic Beverage Control Commission v. Stop 1, Inc. T/A Stop 1 Grocery	98 ABC 1337	Phipps	09/29/99	
Alcoholic Beverage Control Commission v. George Steven Everett t/a Casino Snooks Place	98 ABC 1546	Reilly	10/19/99	
Alcoholic Beverage Control Commission v. Beech Mountain Resort, Inc.	99 ABC 0287	Reilly	08/11/99	
Alcoholic Bev. Control Comm v. Partnership T/A Mermaid Rest. & Lge.	99 ABC 0367	Chess	09/17/99	
Alcoholic Beverage Control Commission v. Jaeson Nyung Kim	99 ABC 0407	Morrison	07/09/99	
Alcoholic Beverage Control Commission v. Lillian Sarah Clary	99 ABC 0615	Phipps	09/01/99	
Alcoholic Beverage Control Commission v. Vnus Enterprises, LLC, t/a Rendez Vous Club & City of Charlotte	99 ABC 0684	Morgan	10/15/99	
Alcoholic Beverage Control Commission v. Mohammad Salim Pirani	99 ABC 0780	Morrison	09/21/99	
Alcoholic Beverage Control Commission v. Creek Lounge, Inc. t/a Creek Lounge	99 ABC 0820	Morgan	10/13/99	
Delores Ann Holley v. Alcoholic Beverage Control Commission	99 ABC 0876	Gray	08/10/99	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Ray Anthony Breeding v. Crime Control & Public Safety	93 CPS 0695	Gray	09/13/99	
John Ray Webb v. Crime Victims Compensation Commission	95 CPS 1353	Gray	09/13/99	
Paul Richard Mull v. Crime Victims Compensation Commission	98 CPS 0342	Chess	07/26/99	
Coradene Mayhand v. Crime Victims Compensation Commission	98 CPS 0398	Chess	10/09/99	
Bobby Mills v. Crime Victims Compensation Commission	98 CPS 1412	Wade	08/06/99	
William Samuel McCraw v. Crime Victims Compensation Commission	98 CPS 1626	Morrison	06/09/99	



<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Anson D. Looney v. Crime Victims Compensation Commission	99 CPS 0096	Morrison	05/25/99	
Elvin Williams, Jr. v. Crime Victims Compensation Commission	99 CPS 0118	Owens	08/03/99	
Michael Anthony Powell v. Crime Victims Compensation Commission	99 CPS 0426	Reilly	08/03/99	
Mary Elizabeth Peoples Hogan v. Crime Victims Compensation Comm.	99 CPS 0504	Reilly	07/29/99	
Lemuel Ray Jenkins v. Crime Victims Compensation Commission	99 CPS 0521	Gray	09/08/99	
Annabell B. McCormick v. Crime Victims Compensation Commission	99 CPS 0564	Phipps	08/04/99	
<b>ENVIRONMENT AND NATURAL RESOURCES</b>				
R.J. Reynolds Tobacco Co. v. Dept. of Environment & Natural Resources	98 EHR 1315	Wade	06/04/99	14:02 NCR 110
Town of Maysville v. Environment and Natural Resources	99 EHR 0069	Owens	09/27/99	
Willie Setzer v. Department of Environment & Natural Resources	99 EHR 0166	Chess	06/28/99	
Charles H. Jordan v. Brunswick County Health Department	99 EHR 0201	Morrison	06/28/99	
Jerry Franks and John Schifano, et. al. v. Environment & Natural Resources and Wake County Board of Commissioners	99 EHR 0344 <sup>9</sup>	Phipps	09/28/99	
Jerry Franks and John Schifano, et. al. v. Environment & Natural Resources and Wake County Board of Commissioners	99 EHR 0380 <sup>9</sup>	Phipps	09/28/99	
James P. and Irene P. Wilson v. Cleveland Co. Health & Sanitary	99 EHR 0506	Lassiter	10/07/99	
Mazzella's Restaurant, Peter D. Mazzella v. Carteret County Env. Health	99 EHR 0692	Reilly	08/19/99	
Roadway Express v. Department of Environment and Natural Resources	99 EHR 0745	Morrison	07/27/99	
John W. Venable v. Department of Environment and Natural Resources	99 EHR 0773	Wade	10/13/99	
Shell Island Homeowners' Association v. DENR, Div. of Env. Health	99 EHR 0814	Owens	08/18/99	
Ronald L. Walker, Sr., v. Environmental Health Ala County	99 EHR 1076	Morrison	10/18/99	
<b>Division of Air Quality</b>				
Neighbors Against The Cullasaja Asphalt Plant & Blue Ridge Env. Defense League, Inc. v. Dept of Env. & Natural Resources and Rhodes Brothers Paving, Inc. and Carolina Asphalt Pavement Association	98 EHR 1735	Gray	09/30/99	14:10 NCR 900
Terrance W. Bache, Pres., Terhane Group, Inc. v. DENR, Div/Air Quality	98 EHR 1790	Mann	06/23/99	
XVIII Airborne Corps & Fort Bragg, Dept. of the Army, USA v. Environment and Natural Resources, Div. of Air Quality	99 EHR 0283	Wade	08/11/99	
J.D. Owen v. Environment and Natural Resources, Div. of Air Quality	99 EHR 0642	Mann	08/10/99	
<b>Environmental Management</b>				
Allen Raynor v. Environmental Management Commission	99 EHR 0127	Gray	07/27/99	
<b>Division of Land Resources</b>				
Buel B. Barker, Jr. and Hubbard Realty of Winston-Salem, a NC Corp., jointly and severally v. DENR, Div. of Land Resources	98 EHR 1457	Morrison	06/09/99	
T.B. Powell, Inc. v. DENR, Division of Land Resources	99 EHR 0632	Wade	10/04/99	
<b>Division of Marine Fisheries</b>				
Alton Chadwick v. Division of Marine Fisheries	99 EHR 0553	Reilly	08/19/99	
<b>Division of Water Quality</b>				
York Oil Company v. DENR, Division of Water Quality	97 EHR 1026	Phipps	07/26/99	14:04 NCR 343
J. Todd Yates and Teresa B. Yates v. DENR, Div. of Water Quality	98 EHR 1456	Wade	06/22/99	
N.G. Purvis Farms, Inc. v. DENR, Division of Water Quality	99 EHR 0696	Chess	08/27/99	
<b>BOARD OF GEOLOGISTS</b>				
Andrew M. Raring, Ph.D. v. Board for the Licensing of Geologists	99 BOG 0150	Mann	06/16/99	
<b>HEALTH AND HUMAN SERVICES</b>				
Eardley "JR" Stephens v. St. Bd. of Nurse's Aides and Practitioners	98 DHR 0155	Phipps	08/25/99	
Ernest Clyde Absher and Dianna B. Absher v. Health & Human Resources	98 DHR 1622	Reilly	06/17/99	
Andrew Gamey v. Office of the Chief Medical Examiner	98 DHR 1761	Owens	05/12/99	14:01 NCR 69
J.P. Lynch v. Department of Health & Human Services	99 DHR 0111	Reilly	05/25/99	
Paul Walker, Thomas Walker & Mary Walker v. Mecklenburg Area Mental Health	99 DHR 0155	Morrison	08/19/99	
New Hope Living Centers, Eric D. Lewis v. Health & Human Services	99 DHR 0170	Owens	05/25/99	
Frank McKoy v. Department of Health & Human Services	99 DHR 0226	Wade	07/06/99	
Joan Marie McDaniell v. Department of Health & Human Services	99 DHR 0305	Reilly	08/05/99	
Lonnie Herring v. Department of Health & Human Services	99 DHR 0350	Reilly	06/03/99	
Robert H. Riley v. Office of the Governor, Office of Citizen Services	99 DHR 0356	Wade	07/21/99	
Monica Denise Dayson v. Department of Health & Human Services	99 DHR 1041	Reilly	09/29/99	
<b>Division of Child Development</b>				
Shaw Speaks Child Dev. Ctr. v. Health & Human Svcs., Child Dev.	99 DHR 0042	Gray	07/22/99	
Lachelle L. Parsons v. Health & Human Svcs., Div. of Child Dev.	99 DHR 0445	Reilly	07/19/99	
In The Beginning, Inc. v. Health & Human Svcs., Div. of Child Dev.	99 DHR 0575	Mann	07/19/99	

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Dulatown Outreach Center, Inc. v. Health & Human Svcs., Child Dev	99 DHR 0688	Owens	07/21/99	
Michele Denoff v. Health & Human Services, Div. of Child Dev.	99 DHR 0695	Owens	08/05/99	
Small World Daycare II, Trena S. McDaniel v. Health & Human Svcs., Div. of Child Dev.	99 DHR 1038	Lassiter	10/06/99	
<b><i>Division of Facility Services</i></b>				
Kelly M. Poole v. Health & Human Services, Div. of Facility Services	97 DHR 0629	Chess	06/14/99	
Norma Faye Lewis v. Health & Human Svcs., Div. of Facility Services	98 DHR 1274 *	Phipps	07/02/99	
Della C. Jones v. Health & Human Services, Div. of Facility Services	98 DHR 1680	Gray	06/09/99	
Effie Ruth Smith v. Health & Human Svcs., Div. of Facility Services	98 DHR 1774	Chess	07/14/99	
Vivienne Geloria Marshall v. DHHS, Div. of Facility Services	98 DHR 1786	Phipps	09/02/99	
Sarah L. Mathis v. DHHS, Div. of Facility Services	99 DHR 0032	Morrison	09/24/99	
Doris Laviner Moser v. Health & Human Services, Div. of Facility Svcs	99 DHR 0074	Wade	08/06/99	
Norma Faye Lewis v. Health & Human Svcs., Div. of Facility Services	99 DHR 0144*	Phipps	07/02/99	
Carolyn Grant v. Health & Human Services, Div. of Facility Services	99 DHR 0145	Mann	06/11/99	
Marion Moser Thompson v. Health & Human Svcs., Facility Services	99 DHR 0216	Gray	08/13/99	
Rose Marie Hadley v. Health & Human Svcs., Div. of Facility Services	99 DHR 0218	Wade	08/06/99	
Sarah Frances Alford v. Health & Human Svcs., Div. of Facility Svcs.	99 DHR 0220	Phipps	06/08/99	
Alvin L. Phynon Jr. v. Health & Human Svcs., Dept. of Facility	99 DHR 0230	Mann	07/07/99	
Barbara Rhue v. D.F.S. 99 DHR 0401*	Wade	07/30/99		
Barbara Rhue v. D.F.S. 99 DHR 0414*	Wade	07/30/99		
Michelle Johnson v. DHHS, Division of Facility Services	99 DHR 0546	Gray	10/12/99	
Esther Nieves v. Health & Human Services, Div. of Facility Services	99 DHR 0766	Phipps	07/21/99	
April De'Shelle Turner v. DHHS, Div. of Social Service, Program Integrity Branch	99 DHR 0927	Gray	10/21/99	
Shirley Ann Beck v. Division of Facility Services	99 DHR 0942	Mann	09/24/99	
<b><i>Division of Medical Assistance</i></b>				
Interim HealthCare - Morris Group, Inc., Lisa B. Morris, RN, BSN v. DHHS, Division of Medical Assistance	99 DHR 0552	Mann	09/01/99	
Companion Health Care, Inc. v. Div. of Medical Assistance, DHR	99 DHR 0762	Owens	07/29/99	
<b><i>Division of Mental Health, Developmental Disabilities and Substance Abuse Services</i></b>				
S.S. by her parents and next friends, D.S. & A.S. v. DMH/DD/SAS	99 DHR 0538	Gray	08/02/99	
<b><i>Division of Social Services</i></b>				
Robert H. Riley v. Iredell County DSS	99 DHR 0354	Wade	07/21/99	
Robert H. Riley v. Health & Human Svcs., Div. of Social Services	99 DHR 0355	Wade	07/21/99	
Joanna Price v. Caldwell County Social Services	99 DHR 0520	Morrison	06/10/99	
Veronica Owens v. Dept. of Social Services Union County	99 MIS 0677	Mann	08/17/99	
<b><i>Child Support Enforcement Section</i></b>				
Lindy Teachout v. Department of Health & Human Services	98 CRA 0727	Reilly	06/24/99	
Thomas Ashley Stewart II v. Department of Health & Human Services	99 CRA 0628	Reilly	06/14/99	
June V. Pettus v. Department of Human Resources	96 CSE 1721*	Mann	09/17/99	
Floyd W. Hubbard v. Department of Human Resources	96 CSE 1725	Reilly	09/02/99	
Richard Arnold Collins v. Jones County DSS	96 CSE 1810	Reilly	06/28/99	
David S. Blackwelder v. Department of Human Resources	97 CSE 0416	Morrison	08/24/99	
June V. Pettus v. Department of Human Resources	97 CSE 0867*	Mann	09/17/99	
John T. Raynor v. Department of Human Resources	98 CSE 0054	Gray	10/21/99	
Kenneth Wayne Adair v. Department of Human Resources	98 CSE 0229	Morrison	06/30/99	
Randy Snead v. Department of Human Resources	98 CSE 0544	Gray	10/21/99	
Shawn E. Williams v. Department of Human Resources	98 CSE 0845	Phipps	09/21/99	
Hun G. Stokes v. Department of Health & Human Services	98 CSE 0898	Gray	07/23/99	
Willie D. Davis v. Department of Human Resources	98 CSE 1387	Mann	09/17/99	
G.S. Hall v. Department of Health & Human Services	98 CSE 1392	Reilly	06/24/99	
Charles Stewart v. Department of Human Resources	98 CSE 1419	Mann	09/17/99	
Kenneth A. McCrone v. Department of Human Resources	98 CSE 1435	Gray	08/04/99	
Daniel R. Klock v. Department of Human Resources	98 CSE 1440	Morrison	10/20/99	
David M. VanDyke v. Department of Human Resources	98 CSE 1549	Mann	09/17/99	
Jerome Maddox v. Department of Health & Human Services	98 CSE 1562	Mann	09/17/99	
Sam Anderson v. Department of Human Resources	98 CSE 1585	Mann	09/17/99	
Donald Edward Law II v. Department of Human Resources	98 CSE 1586	Morrison	06/25/99	
Sechia Lee Corbett v. Department of Human Resources	98 CSE 1588	Phipps	09/21/99	

\* Consolidated Cases.



<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Shawn E. Williams v. Department of Human Resources	98 CSE 1613	Phipps	09/21/99	
Antonio Melendez v. Department of Health & Human Services	98 CSE 1635	Chess	09/30/99	
William W. Heck v. Department of Human Resources	98 CSE 1638	Mann	09/17/99	
Robert M. Chandler Jr. v. Department of Health & Human Services	98 CSE 1789	Phipps	05/27/99	
Grady L. Chosewood v. Department of Health & Human Services	99 CSE 0301	Mann	07/01/99	
Fulton Allen Tillman v. Department of Health & Human Services	99 CSE 0311	Reilly	06/30/99	
Nathaniel Alston v. Department of Health & Human Services	99 CSE 0317	Mann	07/01/99	
Bret Burtrum v. Department of Health & Human Services	99 CSE 0318	Wade	07/14/99	
Cedric A. Hurst v. Department of Human Resources	99 CSE 0330	Chess	08/10/99	
Dane Wesley Ware v. Department of Health & Human Services	99 CSE 0359	Gray	06/28/99	
Oscar William Willoughby Sr. v. Dept. of Health & Human Services	99 CSE 0371	Morrison	06/28/99	
Kelvin E. Townsend v. Department of Health & Human Services	99 CSE 0373	Phipps	07/12/99	
Billy J. Young v. Department of Health & Human Services	99 CSE 0374	Reilly	06/14/99	
Rodney Eugene Caldwell v. Department of Health & Human Services	99 CSE 0427	Lassiter	10/20/99	
Adelheide J. Cooper v. Department of Health & Human Services	99 CSE 0428	Phipps	07/19/99	
Beverly K. Thompson v. Department of Health & Human Services	99 CSE 0435	Reilly	06/14/99	
Michael L. Timmer v. Department of Health & Human Services	99 CSE 0437	Wade	06/08/99	
Elizabeth F. West v. Department of Health & Human Services	99 CSE 0451	Morrison	05/25/99	
Troy Gibson v. Department of Health & Human Services	99 CSE 0462	Owens	07/19/99	
Roy D. Washington v. Department of Health & Human Services	99 CSE 0481	Reilly	06/25/99	
Everett A. Mitchell v. Department of Health & Human Services	99 CSE 0483	Chess	10/05/99	
Corey Antoine Johnson v. Department of Health & Human Services	99 CSE 0486	Gray	09/13/99	
Larry Lowell Dixon v. Department of Health & Human Services	99 CSE 0518	Morrison	08/24/99	
Calvin D. Alston v. Department of Health & Human Services	99 CSE 0539	Owens	08/10/99	
Marquel Simmons v. Department of Health & Human Services	99 CSE 0547	Wade	08/06/99	
Anthony Vincente Battista v. Department of Health & Human Services	99 CSE 0551	Chess	08/31/99	
Gerald Scott Saucier v. Department of Health & Human Services	99 CSE 0576	Mann	06/09/99	
Lawrence Gordon Soles v. Department of Health & Human Services	99 CSE 0581	Morrison	06/09/99	
Mohamed Moustafa v. Department of Health & Human Services	99 CSE 0582	Owens	08/05/99	
Vicky L. Day v. Department of Health & Human Services	99 CSE 0679	Gray	09/27/99	
Matthew Conklin v. Department of Health & Human Services	99 CSE 0689	Mann	09/17/99	
Charlie James White v. Department of Health & Human Services	99 CSE 0690	Morrison	07/20/99	
Bennie Lamar Knighten v. Department of Health & Human Services	99 CSE 0702	Owens	09/20/99	
Larie Bolton v. Department of Health & Human Services	99 CSE 0735	Phipps	08/06/99	
Randy Lewis Bryant v. Department of Health & Human Services	99 CSE 0737	Reilly	09/20/99	
Earl C. Jones, Sr. v. Department of Health & Human Services	99 CSE 0801	Gray	08/10/99	
Naion V. Pride v. Department of Health & Human Services	99 CSE 0825	Phipps	08/20/99	
Claude W. Jordan v. Department of Health & Human Services	99 CSE 0831	Reilly	10/11/99	
Henry Roosevelt Mercer v. Department of Health & Human Services	99 CSE 0841	Wade	10/20/99	
Bobby Gene Owens v. Department of Health & Human Services	99 CSE 0877	Gray	10/11/99	
Robert F. Skipper v. Department of Health & Human Services	99 CSE 0899	Morrison	10/20/99	
Debbie Galmon Moore v. Department of Health & Human Services	99 CSE 0957	Gray	10/18/99	
Kathryn P. Fagan v. Department of Health & Human Services	98 DCS 1769	Morrison	06/25/99	
Tresha W. Robinson v. Department of Health & Human Services	99 DCS 0480	Gray	10/18/99	
Robert Dwayne Kennedy v. Department of Health & Human Services	99 DCS 0482	Wade	09/10/99	
Deborah Seegars v. Department of Health & Human Services	99 DCS 0505	Phipps	06/30/99	
Lillian Anne Darroch v. Department of Health & Human Services	99 DCS 0555	Gray	07/06/99	
Evelyn C. Pratt v. Department of Health & Human Services	99 DCS 0813	Owens	08/25/99	
Jacqueline D. Caldwell v. Department of Health & Human Services	99 DCS 0974	Morrison	09/20/99	

#### **JUSTICE**

##### ***Alarm Systems Licensing Board***

Terry Allen Brickley v. Alarm Systems Licensing Board	99 DOJ 0097	Wade	05/21/99	
Travis Eric Reardon v. Alarm Systems Licensing Board	99 DOJ 0446	Phipps	07/28/99	
Brian Anthony Bartimac v. Alarm Systems Licensing Board	99 DOJ 0487	Morrison	05/25/99	
Paul Luke Walczak v. Alarm Systems Licensing Board	99 DOJ 0489	Owens	08/03/99	
Melvin T. Lohr v. Alarm Systems Licensing Board	99 DOJ 0490	Morrison	05/24/99	
Bradford D. Penny v. Alarm Systems Licensing Board	99 DOJ 0522	Morrison	06/08/99	
Benny L. Shaw v. Alarm Systems Licensing Board	99 DOJ 0523	Morrison	06/08/99	
Tracey Larue Santana v. Alarm Systems Licensing Board	99 DOJ 0524	Phipps	09/24/99	
Donald Eugene Boger v. Alarm Systems Licensing Board	99 DOJ 0715	Owens	07/29/99	
Kajur Washburn v. Alarm Systems Licensing Board	99 DOJ 0716	Owens	07/29/99	
Timothy Chezere Sifford v. Alarm Licensing Board	99 DOJ 1022	Morrison	09/24/99	

##### ***Education and Training Standards Division***

Rock Steven Edwards v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0906	Chess	05/13/99	
Anthony Scott Hughes v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1530	Chess	05/12/99	
Hal Pilgreen v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 1775	Chess	06/09/99	
Emma J. Kiser v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1793	Gray	06/07/99	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Keith Allen Norris v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0045	Mann	07/29/99	14:04 NCR 351
Sherry Davis Kenney v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0067	Wade	06/08/99	
Brian G. Mead v. Criminal Justice Education & Training Stds. Comm.	99 DOJ 0106	Gray	10/07/99	
Russell Lee Yelverton v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0131	Phipps	08/11/99	
Mark E. Narron v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0453	Morrison	09/08/99	14:07 NCR 568
Shean E. Taylor v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0790	Reilly	09/29/99	
Sandra G. Armstrong v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0844	Mann	09/24/99	
Edward L. Lusk v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0846	Phipps	09/29/99	
Tonnette Bembury v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0934	Reilly	09/29/99	
Terry Leon Jones v. Criminal Justice Education & Training Stds. Comm.	99 DOJ 1054	Wade	10/21/99	
Brenda J. Hines v. Sheriffs' Education & Training Stds. Comm.	99 DOJ 1138	Wade	10/14/99	
<b>Private Protective Services Board</b>				
Trn-City Securities and James G. Hutcherson v. Private Protective Svcs. Bd.	98 DOJ 1749*7	Phipps	09/02/99	
Trn-City Securities and James G. Hutcherson v. Private Protective Svcs. Bd.	98 DOJ 1752*7	Phipps	09/02/99	
Ordie Hazu McFarland v. Private Protective Services Board	99 DOJ 0099	Morrison	10/12/99	
Thomas E. Mewborn v. Private Protective Services Board	99 DOJ 0101	Owens	07/30/99	
Michael Lynn Arter v. Private Protective Services Board	99 DOJ 0262	Wade	05/25/99	
Jeffrey S. Moore v. Private Protective Services Board	99 DOJ 0488	Morrison	05/24/99	
Bonnie Marie Keller v. Private Protective Services Board	99 DOJ 0491	Morrison	05/24/99	
Shawn E. Alexander v. Private Protective Services Board	99 DOJ 0492	Owens	07/19/99	
Ronald E. Sulloway v. Private Protective Services Board	99 DOJ 0493	Morrison	05/24/99	
Raymond Solomon v. Private Protective Services Board	99 DOJ 0494	Morrison	05/25/99	
Charles E. Evans, Jr. v. Private Protective Services Board	99 DOJ 0496	Morrison	05/25/99	
Lawrence Martin v. Private Protective Services Board	99 DOJ 0526	Morrison	10/25/99	
William E. Ellis, Sr. v. Private Protective Services Board	99 DOJ 0527	Morrison	06/08/99	
Bobby James Nicholson v. Private Protective Services Board	99 DOJ 0528	Phipps	08/17/99	
Thomas William Atchison v. Private Protective Services Board	99 DOJ 1018	Morrison	09/21/99	
<b>PUBLIC INSTRUCTION</b>				
S.H. by and through her guardian and custodian, H.H. and H.H. v. Henderson County Board of Education	98 EDC 1124	Mann	06/11/99	
Paula Morrill, individually/on behalf of John Morrill v. Wake Cty. Schools	98 EDC 1205	Gray	09/24/99	
S.L.F. and S.F.F. v. Charlotte-Mecklenburg Board of Education	98 EDC 1649	Mann	06/04/99	
Marshall Scott Brannan v. Department of Public Instruction	98 EDC 1796	Owens	07/13/99	14 07 NCR 565
Matthew Weber, and his father and next friend, Brian Weber, and Brian Weber v. Wilkes County Schools	99 EDC 0291	Mann	09/07/99	
Deborah F. Brogden v. State Board of Education	99 EDC 0734	Reilly	10/05/99	
C. Kenneth Warrington v. Edgecombe County Schools	99 EDC 0955	Reilly	09/29/99	
<b>STATE PERSONNEL</b>				
<b>Department of Agriculture</b>				
H.C. Troxler, Jr. v. Dept. of Agriculture and Consumer Services	99 OSP 0659	Chess	07/27/99	
<b>Community Colleges</b>				
Thomas Michael Chamberlin v. Department of Community Colleges	99 OSP 0286	Phipps	06/25/99	
<b>Correction</b>				
E. Wayne Irvin v. Department of Correction	94 OSP 1791	Morrison	05/18/99	14 01 NCR 60
Pershiel DeLoatch v. Department of Correction	98 OSP 1026	Gray	08/11/99	
Deborah Smith v. Department of Correction	98 OSP 1126	Chess	06/22/99	
Maydean L. Taylor v. Department of Correction	98 OSP 1272	Chess	05/14/99	
Ann McMillian v. Morrison Youth Institution, Department of Correction	98 OSP 1275	Chess	05/12/99	
Edward Alan Roper v. DOC, Div. of Prisons, Western Youth Institute	98 OSP 1644	Gray	08/11/99	
Shirley Sellars v. Department of Correction	98 OSP 1788 <sup>10</sup>	Gray	09/30/99	
Sean R. Dillard v. Dept. of Correction, Pasquotank Correctional Inst.	98 OSP 1800	Gray	08/26/99	
DeCarlos Stanley v. Department of Correction	99 OSP 0027	Morrison	06/22/99	
Steve A. Matthews v. Department of Correction	99 OSP 0162	Morrison	08/20/99	
Harry E. Kenan v. Capt. B.F. Lewis, Polk Youth Institution	99 OSP 0257	Phipps	06/07/99	
Robert Russell, Jr. v. Jeff Jones, Div. of Community Corrections	99 OSP 0258	Lassiter	09/29/99	
Shirley Sellars v. Department of Correction	99 OSP 0386 <sup>10</sup>	Gray	09/30/99	
Richmond Fulmore v. Department of Correction, Wake Correctional	99 OSP 0416	Mann	06/04/99	
Jerry D. Crawford v. Department of Correction 99 OSP 0577	Reilly	06/02/99		
Walter L. Whitaker v. Capt. Ricky Johnson, Pasquotank Corr. Inst.	99 OSP 0644	Gray	10/12/99	
Charles Creegan v. Department of Correction	99 OSP 0765	Reilly	08/03/99	
David J. Dennis v. Department of Corrections, Polk Youth Institution	99 OSP 0918	Chess	10/12/99	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b><i>Crime Control and Public Safety</i></b>				
Thomas Michael Chamberlin v. DCCPS, Center for Missing Persons	99 OSP 0596* <sup>d</sup>	Gray	08/16/99	
<b><i>North Carolina School for the Deaf</i></b>				
Steve Crawford v. North Carolina School for the Deaf	99 OSP 0640	Lassiter	10/18/99	
Danny Wilson Carson v. North Carolina School for the Deaf	99 OSP 0641	Lassiter	10/18/99	
Eric Arden Hurley v. North Carolina School for the Deaf	99 OSP 0087	Reilly	06/24/99	
<b><i>Employment Security Commission</i></b>				
Russell J. Suga v. Employment Security Commission	96 OSP 1122	Reilly	05/26/99	
<b><i>Health and Human Services</i></b>				
Debbie L. Whitley v. Wake County Department of Social Services	97 OSP 0722	Phipps	09/27/99	
Vera Crenshaw v. DHHS, Julian F. Keith Alc. & Drug Abuse Trmt. Ctr.	98 OSP 0456	Gray	08/05/99	
Ivey G. Rhodes v. Pitt County Mental Health Center	98 OSP 0924	Phipps	07/09/99	
Odessa D. Gwynn v. Caswell County Health Department	98 OSP 1299	Gray	08/25/99	
Doris Virginia Wearing v. Durham County Health Department	98 OSP 1432	Reilly	06/18/99	
Anthony Ratchiff v. Department of Health & Human Services	99 OSP 1483	Phipps	09/22/99	
Julia A. Cameron v. John Umstead Hospital, Health & Human Services	99 OSP 0053	Morrison	06/22/99	
Jency Abrams v. Department of Health & Human Services	99 OSP 0147	Owens	08/11/99	
Carlos D. Burks, Sr. v. North Carolina Special Care Center	99 OSP 0325	Owens	08/25/99	
Bryan Benson v. Durham Cty. Area MH/DD/SAS Program	99 OSP 0516	Gray	08/31/99	
Shirley C. Jones v. Department of Health & Human Services	99 OSP 0533	Mann	09/24/99	
Odell Hudson v. Health & Human Svcs., Dorothea Dix Hospital	99 OSP 0609	Gray	07/07/99	
Erica Joynes v. Durham County Department of Social Services	99 OSP 0671	Gray	07/13/99	
Thomas Michael Chamberlin v. Off. of Juvenile Justice, Juvenile Services Division, 14 <sup>th</sup> District Court Division	99 OSP 0673* <sup>d</sup>	Gray	08/16/99	
Cheryl Highsmith v. DHHS, Youth Svcs., New Hanover Reg. Juvenile Detention Center	99 OSP 0763	Owens	09/03/99	
<b><i>Johnston County</i></b>				
Lili Romaine Lee v. County of Johnston	99 OSP 0456	Morrison	06/02/99	
<b><i>Justice</i></b>				
Thomas Michael Chamberlin v. Justice, Justice Academy	99 OSP 0308	Phipps	06/11/99	
<b><i>Labor</i></b>				
Robert C. Adams v. Department of Labor	99 OSP 0667	Gray	07/28/99	
<b><i>Department of Public Instruction</i></b>				
Billy McEachern v. Schools of Robeson County	99 OSP 0189	Wade	09/04/99	
John Lee Herbin v. Smarand Manor Training School	99 OSP 0273	Gray	08/04/99	
Linda D. Chapman v. Lenoir County Public Schools	99 OSP 0691	Reilly	08/16/99	
<b><i>Transportation</i></b>				
Judy S. Grindstaff v. Department of Transportation	98 OSP 1028	Gray	09/30/99	
Charles W. McAdams v. Dept. of Transportation, Div/Motor Vehicles	99 OSP 0034	Mann	06/23/99	
Larry R. Lane v. Department of Transportation 99 OSP 0105		Mann	06/11/99	
Ronald Roberson v. Dept. of Transportation, Right-of-Way Branch	99 OSP 0142	Morrison	06/08/99	
Shelvia Davis v. Department of Transportation 99 OSP 0156	Owens	06/23/99		
Carmahita Daniels v. Department of Transportation	99 OSP 0264	Gray	08/20/99	
<b><i>University of North Carolina</i></b>				
Wanda Troxler v. A & T State University and Dr. Ray J. Davis	97 OSP 0819	Phipps	08/02/99	
Vivian Smith Hammel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1268* <sup>2</sup>	Phipps	07/06/99	
Vivian Smith Hammel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1269* <sup>2</sup>	Phipps	07/06/99	
Vivian Smith Hammel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1270* <sup>2</sup>	Phipps	07/06/99	
Jackie S. Flowers v. East Carolina University	98 OSP 1618	Reilly	06/24/99	
James A. Benton v. University of North Carolina at Charlotte	99 OSP 0047	Wade	10/08/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0517* <sup>h</sup>	Reilly	08/27/99	
Anna Anita Huff v. Dr. Lonnie Sharpe/Dr. Reza Salami-Coll./Engineering	99 OSP 0599	Chess	07/16/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0623* <sup>h</sup>	Reilly	08/27/99	
Thomas Michael Chamberlin v. UNC @ Chapel Hill, Dept. of University Housing, Division of Student Affairs	99 OSP 0674* <sup>d</sup>	Gray	08/16/99	
Halycon Tudie Blake v. University of North Carolina at Chapel Hill	99 OSP 0686	Gray	07/08/99	
Bridgette R. Booker v. Winston-Salem State University	99 OSP 0731	Chess	09/03/99	



---

**CONTESTED CASE DECISIONS**

---

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0830* <sup>6</sup>	Reilly	08/27/99	
Temperance T. Tobe v. North Carolina Central University	99 OSP 0865	Chess	08/24/99	
<b>DEPARTMENT OF TRANSPORTATION</b>				
Peter Kay., Stern v. Department of Transportation	99 DOT 0668	Owens	07/29/99	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Stephame A. Payne v. UNC Hospitals	99 UNC 0375	Morrison	06/21/99	
Barbara A. Russell v. UNC Hospitals	99 UNC 0540	Gray	08/11/99	
Robin Perkins Stephens v. UNC Hospitals	99 UNC 0563	Owens	07/21/99	
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0746* <sup>5</sup>	Reilly	08/09/99	
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0747* <sup>5</sup>	Reilly	08/09/99	

**NEIGHBORS AGAINST THE CULLASAJA ASPHALT  
PLANT and BLUE RIDGE ENVIRONMENTAL DEFENSE  
LEAGUE, INC.,**  
    **Petitioners,**  
  
    **v.**  
  
**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES, DIVISION OF AIR QUALITY**  
    **Respondent,**  
    **and**  
**RHODES BROTHERS PAVING INC. and CAROLINA  
ASPHALT PAVEMENT ASSOCIATION**  
    **Respondent-Intervenors**

## RECOMMENDED DECISION

This matter came before the undersigned Administrative Law Judge pursuant to the Joint Motion for Summary Judgment filed on August 27, 1999 by the Respondent and Respondent-Intervenors. The Petitioners filed their response on September 10, 1999. A motions hearing was conducted by teleconference on September 13, 1999. Based on the motions, responses, affidavits, exhibits, and oral argument presented by the parties, the undersigned Administrative Law Judge hereby allows in part and denies in part the Joint Motion for Summary Judgment.

This case concerns the Respondent's issuance of Air Permit No. 08556R00 (the "Permit") to Rhodes Brothers Paving, Inc. ("Rhodes") on October 14, 1998. In the Petition for Contested Case Hearing, Petitioners presented seven allegations in support of their claim that the Respondent improperly issued the Permit to Rhodes. In the Joint Motion for Summary Judgment, the Respondent and Respondent-Intervenor moved for judgment as matter of law on all issues raised by the Petitioners.

Based on the record and the oral argument of counsel for all parties, the undersigned Administrative Law Judge hereby makes the following findings and conclusions:

1. In paragraph 5(a) of the Petition, the Petitioners allege that "the health impacts from the noxious emissions from the asphalt plant would have an unreasonable and severe impact on persons living nearby, especially in children, the elderly and those with health problems." As demonstrated in the record, including the Joint Motion in Limine and Motion to Exclude Expert Witness, the applicable health-based ambient air standards (the acceptable ambient levels, or "AALs") are found at 15A NCAC 2D.1104. The Respondent, prior to issuing the Permit, determined through modeling that the RHODES facility would not result in an exceedance of the applicable AALs. (van der Vaart Affidavit, ¶ 4) The Respondent issued the Permit with conditions that incorporate the applicable standards for toxic pollutants. (Permit Conditions A6 and A7). With regard to health impacts from the Rhodes facility, the Petitioners have failed to present any evidence which raises any issues of material fact regarding whether the Respondent exceeded its authority or jurisdiction, acted erroneously, failed to use proper procedure, acted arbitrarily or capriciously, or failed to act as required by law or rule. The Respondent and Respondent-Intervenors are entitled to judgment as a matter of law on this issue.
2. In paragraph 5(b) of the Petition, the Petitioners allege that "the modeling of the air quality concentrations and fugitive emissions were based on inaccurate and unsubstantiated data and studies." The material facts concerning this issue are in dispute. Therefore, summary judgment is improper.
3. In paragraph 5(c) of the Petition, the Petitioners allege that "the application lacked the consistent and accurate study of on-site meteorological conditions that has been required in similar mountainous terrains." The material facts concerning this issue are in dispute. Therefore, summary judgment is improper.
4. In paragraph 5(d) of the Petition, the Petitioners allege that "other impacts, such as odor, groundwater and surface water contamination, flooding, and excessive truck traffic, were not investigated." Petitioners concede that summary judgment is appropriate for groundwater and surface water contamination, flooding and excessive truck traffic. (Petitioners' Response to Joint Motion for Summary Judgment, p. 14) The Respondent's authority to regulated odor is found at 15A NCAC

2D.0522. The Respondent issued the Permit with conditions that incorporate the applicable standards for control of odor. (Permit Condition A5) With regard to the investigation of "other impacts" from the Rhodes facility, the Petitioners have failed to present any evidence which raises any issues of material fact regarding whether the Respondent exceeded its authority or jurisdiction, acted erroneously, failed to use proper procedure, acted arbitrarily or capriciously, or failed to act as required by law or rule. The Respondent and Respondent-Intervenors are entitled to judgment as a matter of law on this issue.

5. In paragraph 5(e) of the Petition, the Petitioners allege that "the applicant's track record of compliance with environmental laws at its other facilities is unacceptable and unsatisfactory." The material facts concerning this issue are in dispute. Therefore, summary judgment is improper.

6. In paragraph 5(f) of the Petition, the Petitioners allege that "the State agency did not provide sufficient notice to allow the Neighbors to request a public hearing nor did it provide the opportunity for public comments." The Respondent's duty to provide public notice is found at 15A NCAC 2Q.0306(a)(1), which states:

The [Respondent] shall provide for public notice for comments with an opportunity to request a public hearing on draft permits for . . . any source that may be designated by the Director based on significant public interest relevant to air quality.

It is undisputed that the Respondent received no public comments and no request for a public hearing regarding the Rhodes application while it was pending. (van der Vaart Affidavit, ¶ 10) Although Rhodes did not provide a copy of a draft permit application to the local government for the purpose of obtaining a zoning consistency determination as required by N.C. Gen. Stat. § 143-215.108(f), the undisputed facts show that facility is located in an unincorporated and unzoned area of Macon County. (Billy Richard Rhodes Affidavit, ¶¶ 7-8) In addition, it is undisputed that Rhodes received a March 16, 1998 letter from the Macon County Planning Department stating there is no zoning in the unincorporated area of Macon County and it is undisputed that Rhodes provided a copy of the same letter to the Respondent as part of its permit application. (Billy Richard Rhodes Affidavit, ¶¶ 7-8 and Attachment) The undisputed facts are sufficient to show that the Rhodes permit application complied with the underlying purpose of N.C. Gen. Stat. § 143-215.108(f). With regard to public notice, the Petitioners have failed to present any evidence which raises any issues of material fact regarding whether the Respondent exceeded its authority or jurisdiction, acted erroneously, failed to use proper procedure, acted arbitrarily or capriciously, or failed to act as required by law or rule. The Respondent and Respondent-Intervenors are entitled to judgment as a matter of law on this issue.

7. In paragraph 5(g) of the Petition, the Petitioners allege that "the proposed asphalt plant should be treated as a "new source" and comply with standards for new sources." The relevant legal provisions are 40 CFR Part 60, Subpart I ("New Source Performance Standards for Hot Mix Asphalt Facilities") and 15A NCAC 2D.0521 ("Control of Visible Emissions"). The federal NSPS regulations apply to affected facilities that commenced construction or modification after June 11, 1973. 40 CFR § 60.90(b). Relocation or transfer of ownership of a facility, by itself, does not constitute a modification within the meaning of the NSPS regulations. 40 CFR § 60.14(e)(6). For sources existing as of July 1, 1971, visible emissions may not exceed forty percent (40%) opacity. 15A NCAC 2D.0521(c). It is undisputed that all of the emissions sources at the Rhodes facility were constructed prior to July 1, 1971. (Permit Review, Exhibit 2 to Joint Motion for Summary Judgment) Therefore, the NSPS regulations are not applicable and the facility is subject to the 40% opacity standard in 15A NCAC 2D.0521(c). The Permit incorporates the applicable standard for visible emissions. (Permit Condition A4) With regard to the applicability of standards for new sources, the Petitioners have failed to present any evidence which raises any issues of material fact regarding whether the Respondent exceeded its authority or jurisdiction, acted erroneously, failed to use proper procedure, acted arbitrarily or capriciously, or failed to act as required by law or rule. The Respondent and Respondent-Intervenors are entitled to judgment as a matter of law on this issue.

### **ORDER**

Wherefore, the undersigned Administrative Law Judge orders the following:

1. With regard to allegations 5(a), 5(d), 5(f), and 5(g) in the Petition, the Respondent and Respondent-Intervenors are entitled to judgment as a matter of law and the Joint Motion for Summary Judgment is ALLOWED.



2. With regard to allegations 5(b), 5(c) and 5(e) in the Petition, the Joint Motion for Summary Judgment is DENIED.

This the 21<sup>st</sup> day of September, 1999.

---

Beecher R. Gray  
Administrative Law Judge

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds, L = Rule affects the expenditure or distribution of local government funds, SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

## ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101 13:22 NCR 1820 14:03 NCR 243 \*

## ADMINISTRATION

### Council for Women, North Carolina

1 NCAC 17 13:19 NCR 1606

### Indian Affairs, Commission of

1 NCAC 15 .0201 13:02 NCR 175  
1 NCAC 15 .0205 13:02 NCR 175  
1 NCAC 15 .0206 13:02 NCR 175  
1 NCAC 15 .0212 13:02 NCR 175  
1 NCAC 15 .0213 13:02 NCR 175

### Non-Public Education

1 NCAC 40 .0101 13:05 NCR 521 Temp Expired 05/29/99  
14:04 NCR 311  
1 NCAC 40 .0102 13:05 NCR 521 Temp Expired 05/29/99  
14:04 NCR 311  
1 NCAC 40 .0103 13:05 NCR 521 Temp Expired 05/29/99  
13:13 NCR 1057 Temp Expired 05/29/99  
14:04 NCR 311  
1 NCAC 40 .0201 13:05 NCR 521 Temp Expired 05/29/99  
13:13 NCR 1057 Temp Expired 05/29/99  
14:04 NCR 311  
1 NCAC 40 .0202 13:05 NCR 521 Temp Expired 05/29/99  
13:13 NCR 1057 Temp Expired 05/29/99  
14:04 NCR 311  
1 NCAC 40 .0203 13:05 NCR 521 Temp Expired 05/29/99  
13:13 NCR 1057 Temp Expired 05/29/99  
14:04 NCR 311

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
1 NCAC 40 .0204		13:05 NCR 521 13:13 NCR 1057 14:04 NCR 311	Temp Expired 05/29/99 Temp Expired 05/29/99							
<b>Purchase and Contract Division</b>										
1 NCAC 05C	13:04 NCR 360									
1 NCAC 05D	13:04 NCR 360									
<b>State Employees Combined Campaign</b>										
1 NCAC 35 .0101	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0103	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0202	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0304	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0308	13:04 NCR 360		13:08 NCR 647	*						
<b>ADMINISTRATIVE HEARINGS, OFFICE OF</b>										
26 NCAC 01	14:08 NCR 579									
26 NCAC 01 .0101	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 01 .0104	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 02	14:08 NCR 579									
26 NCAC 02C .0303	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 03	14:08 NCR 579									
26 NCAC 04 .0102	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 04 .0103	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 04 .0104	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 04 .0202	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
<b>AGRICULTURE</b>										
2 NCAC 20B .0104	13:13 NCR 1040		13:18 NCR 1503	*	Object	07/15/99	*			
					Approve	08/19/99			14:09 NCR 708	
2 NCAC 43L .0309	13:14 NCR 1109		13:20 NCR 1718	*	Object	07/15/99	*			
					Approve	08/19/99			14:09 NCR 708	
<b>Consumer Services</b>										



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
2 NCAC 54.0101	13.14 NCR 1119	13.14 NCR 1119	13.20 NCR 1718	*	Approve	07/15/99			14.06 NCR 490	
2 NCAC 54.0102	13.14 NCR 1119	13.14 NCR 1119	13.20 NCR 1718	*	Approve	07/15/99			14.06 NCR 490	
2 NCAC 54.0103	13.14 NCR 1119	13.14 NCR 1119 Temp Expired 10/12/99	13.20 NCR 1718	*	Agcy Withdraw	07/15/99				
2 NCAC 54.0104	13.14 NCR 1119	13.14 NCR 1119	13.20 NCR 1718	*	Approve	07/15/99	*		14.06 NCR 490	
2 NCAC 54.0105	13.14 NCR 1119	13.14 NCR 1119 Temp Expired 10/12/99	13.20 NCR 1718	*	Agcy Withdraw	07/15/99				
<b>Pesticide Board</b>										
2 NCAC 09K.0214	13.14 NCR 1109		13.20 NCR 1717	*	Approve	07/15/99	*		14.06 NCR 490	
2 NCAC 09L.0502	14.01 NCR 4		14.05 NCR 374	*						
2 NCAC 09L.1201	14.01 NCR 4		14.05 NCR 374	*						
<b>Structural Pest Control Committee</b>										
2 NCAC 34.0102	14.09 NCR 655									
2 NCAC 34.0330	14.09 NCR 687	14.09 NCR 687								
<b>Veterinary Board</b>										
<b>Notice of Public Hearing on Proposed Temporary Rules</b>										
2 NCAC 52B.0206	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0207	13.23 NCR 1946	13.23 NCR 1946	14.03 NCR 128	*						
2 NCAC 52B.0302	13.23 NCR 1901		14.03 NCR 128	*						
2 NCAC 52B.0401	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0402	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0403	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0404	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0405	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0406	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0407	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0408	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0409	14.08 NCR 582	14.08 NCR 582								
2 NCAC 52B.0410	14.08 NCR 582	14.08 NCR 582								

14:05 NCR 368

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
2 NCAC 52B .0411	14-08 NCR 582	14-08 NCR 582								
2 NCAC 52B .0412	14-08 NCR 582	14-08 NCR 582								
2 NCAC 52E .0209	13-23 NCR 1901		14-03 NCR 128	*						
<b>APPRAISAL BOARD</b>										
21 NCAC 57A .0305	13-01 NCR 3		13-05 NCR 513	*	Object Approve	11/19/98 03/18/99	*		14-01 NCR 48	
<b>ARCHITECTURE, BOARD OF</b>										
21 NCAC .02 .0206	14-08 NCR 578									
<b>CHIROPRACTIC</b>										
21 NCAC 10 .0203		12-23 NCR 2098	13-14 NCR 1117	*	Approve	04/15/99	*		14-02 NCR 84	
<b>COMMERCE</b>										
4 NCAC 01E .0104	11-09 NCR 569		13-08 NCR 652	*	Object Approve	12/17/98 01/21/99	*		13-22 NCR 1868	
4 NCAC 011 .0101	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0101		Temp. Expired 10/29/99	13-20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0102	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0102		Temp. Expired 10/29/99	13-20 NCR 1719	L/S/SE	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0201	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0201		Temp. Expired 10/29/99	13-20 NCR 1719	L/S/SE	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0202	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0202		Temp. Expired 10/29/99	13-20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0301	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0301		Temp. Expired 10/29/99	13-20 NCR 1719	L/S/SE	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0302	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0302		Temp. Expired 10/29/99	13-20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0303	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0303		Temp. Expired 10/29/99	13-20 NCR 1719	L/S/SE	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0304	11-09 NCR 569	13-15 NCR 1224	13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0304		Temp. Expired 10/29/99	13-20 NCR 1719	*	<b>Return to Agcy</b>	<b>08/19/99</b>				

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
4 NCAC 011 .0401	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE	Agcy withdrew	12/17/98				
4 NCAC 011 .0401		13 .15 NCR 1224	13 .08 NCR 652	*	<b>Return to Agcy</b>	<b>08/19/99</b>				
		Temp Expired 10/29/99	13 .20 NCR 1719							
4 NCAC 011 .0402	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0402		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0403	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0403		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	*	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0404	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0404		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	*	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0405	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0405		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	*	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0501	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0501		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0502	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0502		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0503	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0503		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0601	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0601		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	*	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0701	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0701		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	L/S	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 011 .0801	11 .09 NCR 569	14 .08 NCR 585	14 .08 NCR 585	L/S/SE						
4 NCAC 011 .0801		13 .15 NCR 1224	13 .08 NCR 652	*	Agcy withdrew	12/17/98				
		Temp Expired 10/29/99	13 .20 NCR 1719	*	<b>Return to Agcy</b>	<b>08/19/99</b>				
4 NCAC 01K .0102	11 .09 NCR 569	14 .08 NCR 585	13 .08 NCR 652	L/S/SE						
4 NCAC 01K .0103	11 .09 NCR 569	14 .08 NCR 585	13 .08 NCR 652	*	Object	12/17/98	*		13 .22 NCR 1868	
4 NCAC 01K .0302	11 .09 NCR 569	14 .08 NCR 585	13 .08 NCR 652	*	Approve	01/21/99	*		13 .22 NCR 1868	
4 NCAC 01K .0402	11 .09 NCR 569	14 .08 NCR 585	13 .08 NCR 652	*	Object	12/17/98	*		13 .22 NCR 1868	
		Temp Expired 10/29/99	13 .20 NCR 1719	*	Approve	01/21/99	*		13 .22 NCR 1868	
		14 .08 NCR 585	14 .08 NCR 585	*	Object	12/17/98	*		13 .22 NCR 1868	



# **CUMULATIVE INDEX** (Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
Banking Commission										
4 NCAC 03B .0101	N/A		N/A	N/A	Approve	01/21/99	*		13.22 NCR 1868	
4 NCAC 03B .0102	N/A		N/A	N/A	Object	10/22/98			14.01 NCR 48	
4 NCAC 03B .0103	N/A		N/A	N/A	Approve	03/18/99			14.01 NCR 48	
4 NCAC 03H .0102	N/A		N/A	N/A	Object	10/22/98			14.01 NCR 48	
4 NCAC 03L .0101	13.24 NCR 1997		14.04 NCR 274	*	Approve	03/18/99			14.01 NCR 48	
4 NCAC 03L .0102	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0201	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0202	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0301	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0302	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0303	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0401	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0402	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0403	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0404	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0405	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0501	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0502	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0601	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0602	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0603	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0604	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0701	13.24 NCR 1997		14.04 NCR 274	*						
4 NCAC 03L .0702	13.24 NCR 1997		14.04 NCR 274	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
Cape Fear River Navigation and Pilotage Commission										
4 NCAC 15 .0119	14.03 NCR 125		14.07 NCR 522	*						
4 NCAC 15 .0120	14.03 NCR 125		14.07 NCR 522	*						
4 NCAC 15 .0121	14.03 NCR 125		14.07 NCR 522	*						
Industrial Commission										
Public Notice - Hospital Fees for Workers' Compensation Cases										
Secretary of Commerce										
4 NCAC 21	14.08 NCR 577									14.01 NCR 2
COMMUNITY COLLEGES										
23 NCAC 02B .0104	13.10 NCR 804		13.22 NCR 1849	*						
23 NCAC 02C .0307		13.05 NCR 524	Temp Expired 05/29/99							
23 NCAC 02C .0503		13.10 NCR 815	13.22 NCR 1849	*						
23 NCAC 02C .0504		13.10 NCR 815	13.22 NCR 1849	*						
23 NCAC 02C .0505		13.10 NCR 815	13.22 NCR 1849	*						
23 NCAC 02D .0323	13.19 NCR 1609		14.04 NCR 304	*						
23 NCAC 02D .0324	13.19 NCR 1609		14.04 NCR 304	*						
COSMETIC ART EXAMINERS										
21 NCAC 14A .0101	13.14 NCR 1114	13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14A .0103	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14A .0104	13.14 NCR 1114									
21 NCAC 14A .0105		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99			14.05 NCR 402	
21 NCAC 14C .0202	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14F .0101	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14F .0105	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14G .0103		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14G .0113	N/A		N/A	N/A	Approve	03/18/99			14.01 NCR 48	
21 NCAC 14H .0112		13.16 NCR 1263	13.21 NCR 1794	*	Approve	07/15/99	*		14.06 NCR 490	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 14H .0118		13.16 NCR 1263	13.21 NCR 1794	*	Approve	07/15/99			14.06 NCR 490	
21 NCAC 14J .0104	13.14 NCR 1114		13.19 NCR 1652	*	Object	06/17/99	*		14.09 NCR 708	
21 NCAC 14J .0107	13.14 NCR 1114		13.19 NCR 1652	*	Approve	08/19/99				
21 NCAC 14J .0109	13.14 NCR 1114		13.19 NCR 1652	*	Object	06/17/99	*		14.09 NCR 708	
21 NCAC 14J .0103	13.14 NCR 1114		13.19 NCR 1652	*	Approve	08/19/99	*		14.05 NCR 402	
21 NCAC 14J .0208	13.14 NCR 1114	13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99			14.05 NCR 402	
21 NCAC 14J .0501	13.14 NCR 1114		13.19 NCR 1652	*	Object	06/17/99	*		14.09 NCR 708	
21 NCAC 14K .0102		13.14 NCR 1157	13.19 NCR 1652	*	Approve	08/19/99			14.09 NCR 708	
21 NCAC 14K .0107		13.14 NCR 1157	13.19 NCR 1652	*	Object	06/17/99	*		14.05 NCR 402	
21 NCAC 14L .0101	13.14 NCR 1114		13.19 NCR 1652	*	Approve	08/19/99	*		14.05 NCR 402	
21 NCAC 14L .0105	13.14 NCR 1114	13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14L .0109		13.14 NCR 1157			Object	06/17/99				
21 NCAC 14L .0210	N/A		N/A	N/A	Approve	03/18/99			14.01 NCR 48	
21 NCAC 14L .0214	N/A		N/A	N/A	Approve	03/18/99			14.01 NCR 48	
21 NCAC 14L .0216		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14L .0303	13.14 NCR 1114		13.19 NCR 1652	*	Agcy Withdraw	06/17/99				
21 NCAC 14N .0101	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0102	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0103	13.14 NCR 1114	13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0104		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0105	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0108	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0110		13.14 NCR 1157	13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0112	13.14 NCR 1114		13.19 NCR 1652	*	Approve	06/17/99	*		14.05 NCR 402	
21 NCAC 14N .0113	13.14 NCR 1114	13.14 NCR 1157	13.19 NCR 1652	*	Object	06/17/99	*		14.09 NCR 708	
					Approve	08/19/99				



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 14N 0601		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N 0602		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N 0701		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14N 0702		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14O 0101		13 14 NCR 1157	13 19 NCR 1652	*	Object	06/17/99				
21 NCAC 14O 0102		13 14 NCR 1157	13 19 NCR 1652	*	Approve	08/19/99	*		14-09 NCR 708	
21 NCAC 14O 0103		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99	*		14 05 NCR 402	
21 NCAC 14O 0104		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14O 0105		13 14 NCR 1157	13 19 NCR 1652	*	Object	06/17/99				
21 NCAC 14O 0106		13 14 NCR 1157	13 19 NCR 1652	*	Approve	08/19/99	*		14-09 NCR 708	
21 NCAC 14O 0107		Temp Expired 10/12/99	13 14 NCR 1157	*	Agcy Withdraw	06/17/99				
21 NCAC 14P 0101		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99	*		14 05 NCR 402	
21 NCAC 14P 0102		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14P 0103		13 14 NCR 1157	13 19 NCR 1652	*	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14P 0104		13 14 NCR 1157	13 19 NCR 1652	L	Approve	06/17/99	*		14 05 NCR 402	
21 NCAC 14P 0105		13 14 NCR 1157	13 19 NCR 1652	L	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14P 0106		13 14 NCR 1157	13 19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P 0107		13 14 NCR 1157	13 19 NCR 1652	L	Approve	08/19/99	*		14 09 NCR 708	
21 NCAC 14P 0108		13 14 NCR 1157	13 19 NCR 1652	L	Approve	06/17/99			14 05 NCR 402	
21 NCAC 14P 0109		13 14 NCR 1157	13 19 NCR 1652	L	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14P 0110		13 14 NCR 1157	13 19 NCR 1652	L	Approve	06/17/99	*		14-05 NCR 402	
21 NCAC 14P 0111		13 14 NCR 1157	13 19 NCR 1652	L	Approve	06/17/99			14-05 NCR 402	
21 NCAC 14P 0112		13 14 NCR 1157	13 19 NCR 1652	L	Object	06/17/99	*			
21 NCAC 14P 0113		13 14 NCR 1157	13 19 NCR 1652	L	Approve	08/19/99	*		14-09 NCR 708	
21 NCAC 14P 0114		13 14 NCR 1157	13 19 NCR 1652	L	Object	06/17/99	*		14-09 NCR 708	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Role-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 14P .0115		13.14 NCR 1157	13.19 NCR 1652		Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0116		13.14 NCR 1157	13.19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
<b>CULTURAL RESOURCES</b>										
7 NCAC 04S .0101	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0102	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0103	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0104	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0105	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0106	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0107	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0108	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0109	14.05 NCR 370		14.09 NCR 657	*						
7 NCAC 04S .0110	14.05 NCR 370		14.09 NCR 657	*						
<b>DENTAL EXAMINERS</b>										
21 NCAC 16G .0101	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16G .0102	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16G .0103	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16H .0101	12.24 NCR 2203									
21 NCAC 16H .0102	12.24 NCR 2203									
21 NCAC 16H .0103	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16H .0104	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16H .0201	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16H .0202	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16H .0203	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16H .0204	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16H .0205	12.24 NCR 2203		13.15 NCR 1218	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 16H .0206	12.24 NCR 2203									
21 NCAC 16I .0004	11.20 NCR 1538									
21 NCAC 16I .0005	11.20 NCR 1538									
21 NCAC 16M .0101		13.11 NCR 910	13.15 NCR 1218	*	Object	06/17/99	*		14.06 NCR 490	
					Approve	07/15/99				
21 NCAC 16M .0102	14.06 NCR 487	14.06 NCR 487								
21 NCAC 16P .0101	13.10 NCR 804									
21 NCAC 16P .0102	13.10 NCR 804									
21 NCAC 16P .0103	13.10 NCR 804									
21 NCAC 16P .0104	13.10 NCR 804									
21 NCAC 16P .0105	13.10 NCR 804									
21 NCAC 16Q .0101	12.24 NCR 2203									
21 NCAC 16Q .0201	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16Q .0202	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16Q .0301	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16Q .0302	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16R .0002	11.20 NCR 1538									
21 NCAC 16R .0003	11.20 NCR 1538									
21 NCAC 16R .0005	11.20 NCR 1538									
21 NCAC 16S .0101	14.06 NCR 487	14.06 NCR 487								
21 NCAC 16S .0102	14.06 NCR 487	14.06 NCR 487								
21 NCAC 16S .0201	14.06 NCR 487	14.06 NCR 487								
21 NCAC 16S .0203	14.06 NCR 487	14.06 NCR 487								
21 NCAC 16S .0205	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16S .0205	14.06 NCR 487	14.06 NCR 487								
21 NCAC 16V .0101	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16V .0102	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16W .0101	14.08 NCR 647	14.08 NCR 647								



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS										
21 NCAC 16W .0102	14-08 NCR 647	14-08 NCR 647								
21 NCAC 18B .0208	N/A		N/A	N/A	Object Approve	06/17/99 07/15/99			14-06 NCR 490	
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0102	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0103	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0104	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0105	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0106	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0107	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0108	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0109	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Object Approve	01/21/99 02/18/99	*		13-24 NCR 2037 13-22 NCR 1868	
21 NCAC 11 .0111	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
21 NCAC 11 .0112	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L	Approve	01/21/99	*		13-22 NCR 1868	
ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR										
21 NCAC 56	14-08 NCR 579									
ENVIRONMENT AND NATURAL RESOURCES										
15A NCAC 01J .0101		13-18 NCR 1528	13-22 NCR 1827	*						
15A NCAC 01J .0102		13-18 NCR 1528	13-22 NCR 1827	S/L						
15A NCAC 01J .0202		13-18 NCR 1528	13-22 NCR 1827	S/L						
15A NCAC 01J .0301	14-08 NCR 644	14-08 NCR 644								
15A NCAC 01J .0303		13-18 NCR 1528	13-22 NCR 1827	S/L						
15A NCAC 01J .0402		13-18 NCR 1528	13-22 NCR 1827	S/L						
15A NCAC 01J .0502		13-18 NCR 1528	13-22 NCR 1827	S/L						

# **CUMULATIVE INDEX** (Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 01J .0504		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01J .0601		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01J .0604		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01J .0701		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0703		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0803		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0903		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01J .0904		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01K	10.19 NCR 2506									
15A NCAC 01L 0101		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 0102		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01L 0203		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 0301	14.08 NCR 644	14.08 NCR 644								
15A NCAC 01L 0303		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 0501		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01L 0503		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 0601		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 0604		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 0701		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 0801		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01L 0902		13.18 NCR 1528	13.22 NCR 1827	S/L						
15A NCAC 01L 1003		13.18 NCR 1528	13.22 NCR 1827	*						
15A NCAC 01L 1004		13.18 NCR 1528	13.22 NCR 1827	*						
<b>Coastal Resources Commission</b>										
15A NCAC 07	11.04 NCR 183									
15A NCAC 07H 0200	13.22 NCR 1818									
15A NCAC 07H 0201	12.21 NCR 1873									
			13.23 NCR 1937	*						14.02 NCR 74

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 07H 0203	12 21 NCR 1873		13 23 NCR 1937	*						14 02 NCR 74
15A NCAC 07H 0208	11 19 NCR 1408		11 27 NCR 2058	*						
15A NCAC 07H 0208	12 21 NCR 1873									
15A NCAC 07H 0209	12 21 NCR 1873		13 23 NCR 1937	S/L						14 02 NCR 74
15A NCAC 07H 0210	12 02 NCR 52									
15A NCAC 07H 0300	13 05 NCR 436									
15A NCAC 07H 0306	11 04 NCR 183		11 11 NCR 907	*						
15A NCAC 07H 0306	12 19 NCR 1763									
15A NCAC 07H 0309	13 05 NCR 436		13 13 NCR 1044	S	Object Approve	07/15/99 08/19/99	*		14 09 NCR 708	
15A NCAC 07H 1100	12 21 NCR 1873									
15A NCAC 07H 1103	14 06 NCR 428		14 09 NCR 662	S/L						
15A NCAC 07H 1200	12 21 NCR 1873									
15A NCAC 07H 1203	14 06 NCR 428		14 09 NCR 662	S/L						
15A NCAC 07H 1300	14 06 NCR 428									
15A NCAC 07H 1301	12 21 NCR 1873		13 23 NCR 1937	*						14 02 NCR 74
15A NCAC 07H 1303	14 06 NCR 428		14 09 NCR 662	S/L						
15A NCAC 07H 1400	12 21 NCR 1873									
15A NCAC 07H 1403	14 06 NCR 428		14 09 NCR 662	S/L						
15A NCAC 07H 1500	12 21 NCR 1873									
15A NCAC 07H 1503	14 06 NCR 428		14 09 NCR 662	S/L						
15A NCAC 07H 1600	11 15 NCR 1200									
15A NCAC 07H 1601	12 21 NCR 1873		13 23 NCR 1937	*						14 02 NCR 74
15A NCAC 07H 1603	14 06 NCR 428		14 09 NCR 662	S/L						
15A NCAC 07H 1700	12 21 NCR 1873									
15A NCAC 07H 1803	14 06 NCR 428		14 09 NCR 662	S/L						
15A NCAC 07H 1805		13 07 NCR 593	13 16 NCR 1259	*	Object	07/15/99				



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 07H 1901	12-21 NCR 1873		13-23 NCR 1937	*	Object	08/19/99				
15A NCAC 07H 1903	14-06 NCR 428		14-09 NCR 662	S/L	Approve	10/04/99	*		14.10 NCR 839	14.02 NCR 74
15A NCAC 07H 2003	14-06 NCR 428		14-09 NCR 662	S/L						
15A NCAC 07H 2100	14-06 NCR 428									
15A NCAC 07H 2101	13-05 NCR 436		13-13 NCR 1044	S	Approve	07/15/99	*		14-06 NCR 490	
15A NCAC 07H 2102	13-05 NCR 436		13-13 NCR 1044	S	Approve	07/15/99	*		14-06 NCR 490	
15A NCAC 07H 2103	14-06 NCR 428		14-09 NCR 662	S/L						
15A NCAC 07H 2105	13-05 NCR 436		13-13 NCR 1044	S	Object	07/15/99				
15A NCAC 07H 2203	14-06 NCR 428		14-09 NCR 662	S/L	Approve	08/19/99	*		14-09 NCR 708	
15A NCAC 07H 2300	14-06 NCR 428									
15A NCAC 07H 2301	12-21 NCR 1873		13-23 NCR 1937	*						14-02 NCR 74
15A NCAC 07H 2303	14-06 NCR 428		14-09 NCR 662	S/L						
15A NCAC 07H 2401	13-05 NCR 436		13-13 NCR 1044	S	Approve	05/20/99	*		14-04 NCR 330	
15A NCAC 07H 2402	13-05 NCR 436		13-13 NCR 1044	S	Approve	05/20/99	*		14-04 NCR 330	
15A NCAC 07H 2403	13-05 NCR 436		13-13 NCR 1044	S	Approve	05/20/99			14-04 NCR 330	
15A NCAC 07H 2404	13-05 NCR 436		13-13 NCR 1044	S	Object	05/20/99				
15A NCAC 07H 2405	13-05 NCR 436		13-13 NCR 1044	S	Approve	06/17/99	*		14-05 NCR 402	
15A NCAC 07H 2501	14-09 NCR 693	14-09 NCR 693			Approve	05/20/99	*		14-04 NCR 330	
15A NCAC 07H 2502	14-09 NCR 693	14-09 NCR 693								
15A NCAC 07H 2503	14-09 NCR 693	14-09 NCR 693								
15A NCAC 07H 2504	14-09 NCR 693	14-09 NCR 693								
15A NCAC 07H 2505	14-09 NCR 693	14-09 NCR 693								
15A NCAC 07H 0200	12-24 NCR 2202									
15A NCAC 07H 0204		13-07 NCR 593	Temp Expired 06/28/99							
15A NCAC 07H 0204	14-06 NCR 428		14-09 NCR 662	S/L						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 07J .0404	14.06 NCR 428		14.09 NCR 662	S/L						
15A NCAC 07J .0405	12.24 NCR 2202									
15A NCAC 07J .0405	14.06 NCR 428		14.09 NCR 662	S/L						
15A NCAC 07J .0406	14.06 NCR 428		14.09 NCR 662	S/L						
15A NCAC 07K .0203	12.21 NCR 1873		13.23 NCR 1937	*						14.02 NCR 74
15A NCAC 07K .0203	14.06 NCR 428									
15A NCAC 07K .0208	12.21 NCR 1873									
15A NCAC 07K .0208	14.06 NCR 428									
15A NCAC 07K .0209	12.21 NCR 1873		13.23 NCR 1937	*						14.02 NCR 74
15A NCAC 07L .0202	12.21 NCR 1874									
15A NCAC 07L .0203	12.21 NCR 1874									
15A NCAC 07L .0206	12.21 NCR 1874									
15A NCAC 07L .0302	12.21 NCR 1874									
15A NCAC 07L .0304	12.21 NCR 1874									
15A NCAC 07L .0401	12.21 NCR 1874									
15A NCAC 07L .0405	12.21 NCR 1874									
15A NCAC 07M .0300	12.24 NCR 2202									
15A NCAC 07M .0307	13.22 NCR 1818		14.09 NCR 666	S/L						
15A NCAC 07M .0401	13.04 NCR 361	13.12 NCR 976	13.16 NCR 1259	*						
			14.09 NCR 666	*						
15A NCAC 07M .0401	14.01 NCR 44	14.01 NCR 44	14.09 NCR 666	*						
15A NCAC 07M .0402	13.04 NCR 361	13.12 NCR 976	13.16 NCR 1259	*						
			14.09 NCR 666	*						
15A NCAC 07M .0402	14.01 NCR 44	14.01 NCR 44	14.09 NCR 666	*						
15A NCAC 07M .0403	13.04 NCR 361	13.12 NCR 976	13.16 NCR 1259	*						
			14.09 NCR 666	*						
15A NCAC 07M .0403	14.01 NCR 44	14.01 NCR 44	14.09 NCR 666	*						

## Environmental Management Commission

### Notice of Intent to Adopt Temporary Rules (Tar-Pamlico River Basin)

15A NCAC 02 10.24 NCR 3045

14.05 NCR 369

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02	11 04 NCR 183									
15A NCAC 02	11 19 NCR 1408									
15A NCAC 02B .0100	13 08 NCR 621									
15A NCAC 02B .0101	11 24 NCR 1818			*						
15A NCAC 02B .0110	13 08 NCR 621		11 30 NCR 2303	*						
15A NCAC 02B .0200	13 08 NCR 621		14 06 NCR 434	*						
15A NCAC 02B .0202	11 24 NCR 1818		11 30 NCR 2303	*						
15A NCAC 02B .0211	13 08 NCR 621		14 06 NCR 434	*						
15A NCAC 02B .0220	13 08 NCR 621		14 06 NCR 434	*						
15A NCAC 02B .0223	11 02 NCR 75									
15A NCAC 02B .0223	11 03 NCR 109									
15A NCAC 02B .0223	13 08 NCR 621		14 06 NCR 434	*						
15A NCAC 02B .0225	13 08 NCR 621		14 06 NCR 434	*						
15A NCAC 02B .0225	13 19 NCR 1606		13 23 NCR 1929	*						
15A NCAC 02B .0227	10 18 NCR 2400		11 12 NCR 973	*						
15A NCAC 02B .0230	14 10 NCR 823	14 10 NCR 823								
15A NCAC 02B .0231	11 02 NCR 75		11 10 NCR 824	L/SE						
			11 14 NCR 1136							
15A NCAC 02B .0233	11 02 NCR 75		11 10 NCR 824	L	Object Approve	01/15/98			12 22 NCR 2012	Disapproved (HB 1402)
			11 14 NCR 1136	L		02/19/98	*			
		12 02 NCR 77								
		12 14 NCR 1348								
		12 20 NCR 1836								
		13 24 NCR 2017								
15A NCAC 02B .0241	14 03 NCR 125		14 04 NCR 287	L/SE						
15A NCAC 02B .0242			12 06 NCR 462	S/L/SE						
			14 09 NCR 660	*						
15A NCAC 02B .0245	12 23 NCR 2088		14 04 NCR 287	*						
15A NCAC 02B .0246	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B .0247	12 23 NCR 2088		13 04 NCR 368	*						
			13 04 NCR 368	L/SE						



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02B .0255	13.23 NCR 1901		14.03 NCR 162	SE						
15A NCAC 02B .0256	13.23 NCR 1901		14.03 NCR 162	SE						
15A NCAC 02B .0257	13.23 NCR 1901		14.03 NCR 162	SE						
15A NCAC 02B .0258	13.23 NCR 1901		14.03 NCR 162	L/SE						
15A NCAC 02B .0259	13.23 NCR 1901		14.03 NCR 162	L/SE						
15A NCAC 02B .0260	13.23 NCR 1901		14.03 NCR 162	SE						
15A NCAC 02B .0261	13.23 NCR 1901		14.03 NCR 162	SE						
15A NCAC 02B .0262	13.23 NCR 1901		13.20 NCR 1727	*						
15A NCAC 02B .0303	13.14 NCR 1111		13.20 NCR 1727	*						
15A NCAC 02B .0304	13.14 NCR 1111		13.20 NCR 1727	*						14.02 NCR 73
15A NCAC 02B .0306	13.14 NCR 1111		13.23 NCR 1929	*						
15A NCAC 02B .0306	13.19 NCR 1606									
15A NCAC 02B .0308	12.16 NCR 1489		13.20 NCR 1727	*						
15A NCAC 02B .0308	13.14 NCR 1111		13.23 NCR 1929	*						
15A NCAC 02B .0310	13.19 NCR 1606		12.01 NCR 6	*	Approve	01/15/98	*		12.21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02B .0316	11.26 NCR 1976		13.23 NCR 1929	*						
15A NCAC 02B .0317	13.19 NCR 1606									
15A NCAC 02C .0100	14.10 NCR 743									
15A NCAC 02C .0102	14.10 NCR 743									
15A NCAC 02C .0103	14.10 NCR 743									
15A NCAC 02C .0105	14.10 NCR 743									
15A NCAC 02C .0107	14.10 NCR 743									
15A NCAC 02C .0108	14.10 NCR 743									
15A NCAC 02C .0110	14.10 NCR 743									
15A NCAC 02C .0111	14.10 NCR 743									
15A NCAC 02C .0112	14.10 NCR 743									
15A NCAC 02C .0113	14.10 NCR 743									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02C 0114	14 10 NCR 743									
15A NCAC 02C 0117	14 10 NCR 743									
15A NCAC 02C 0118	14 10 NCR 743									
15A NCAC 02D	13 12 NCR 943									
15A NCAC 02D 0101	12 02 NCR 52									
15A NCAC 02D 0101	12 16 NCR 1482									
15A NCAC 02D 0108	11 15 NCR 1200									
15A NCAC 02D 0307	11 15 NCR 1200									
15A NCAC 02D 0501	11 15 NCR 1200									
15A NCAC 02D 0501	11 04 NCR 183									
15A NCAC 02D 0501	13 16 NCR 1252									
15A NCAC 02D 0506	14 04 NCR 265									
15A NCAC 02D 0518	11 19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D 0521	11 15 NCR 1200									
15A NCAC 02D 0521	14 04 NCR 265									
15A NCAC 02D 0523	13 12 NCR 943		14 03 NCR 162	*						
15A NCAC 02D 0524	11 15 NCR 1200		14 03 NCR 162	*						
15A NCAC 02D 0524	13 08 NCR 621									
15A NCAC 02D 0525	11 15 NCR 1200									
15A NCAC 02D 0540	13 04 NCR 356									
15A NCAC 02D 0541	13 08 NCR 621									
15A NCAC 02D 0541	13 16 NCR 1252		14 03 NCR 162	*						
15A NCAC 02D 0542	13 24 NCR 1994									
15A NCAC 02D 0610	11 15 NCR 1200									
15A NCAC 02D 0611	11 15 NCR 1200									
15A NCAC 02D 0612	11 15 NCR 1200									
15A NCAC 02D 0613	11 15 NCR 1200									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0926	13:16 NCR 1252									
15A NCAC 02D .0927	13:16 NCR 1252									
15A NCAC 02D .0932	13:16 NCR 1252									
15A NCAC 02D .0934	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D .0948	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D .0949	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D .0950	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D .0951	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .0958	11:19 NCR 1408		14 07 NCR 524	*						
15A NCAC 02D 1005	14 04 NCR 265									



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02D 1100	11-08 NCR 442									
15A NCAC 02D 1103	13-04 NCR 356									
15A NCAC 02D 1103	14-04 NCR 265									
15A NCAC 02D 1104	13-04 NCR 356									
15A NCAC 02D 1104	13-16 NCR 1252									
15A NCAC 02D 1105	11-15 NCR 1200									
15A NCAC 02D 1106	11-26 NCR 1976									
15A NCAC 02D 1200	14-04 NCR 265									
15A NCAC 02D 1201	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1202	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1203	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1204	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1205	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1206	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1207	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1208	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1209	13-12 NCR 943		14-03 NCR 162	*						
15A NCAC 02D 1201	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1202	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1203	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1204	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1205	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1206	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1207	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1208	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1209	13-16 NCR 1252		14-03 NCR 162	*						
15A NCAC 02D 1400	13-24 NCR 1994		14-03 NCR 162	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02D 1404	11-15 NCR 1200									
15A NCAC 02D 1700	12-02 NCR 52									
15A NCAC 02D 1703	13-16 NCR 1252		14-07 NCR 524	*						
15A NCAC 02D 1708	13-16 NCR 1252		14-07 NCR 524	*						
15A NCAC 02D 1709	13-16 NCR 1252		14-07 NCR 524	*						
15A NCAC 02D 1801		13-18 NCR 1545	14-03 NCR 162	SE						
15A NCAC 02D 1802		13-22 NCR 1860	14-03 NCR 162	SE						
		13-18 NCR 1545	14-03 NCR 162	SE						
		13-22 NCR 1860	14-03 NCR 162	SE						
15A NCAC 02D 1803		13-18 NCR 1545	14-03 NCR 162	SE						
		13-22 NCR 1860	14-03 NCR 162	SE						
15A NCAC 02D 1804		13-18 NCR 1545	14-03 NCR 162	SE						
15A NCAC 02D 1805		13-18 NCR 1545								
		13-24 NCR 2017								
15A NCAC 02D 1903	12-16 NCR 1482									
15A NCAC 02D 1903	13-12 NCR 943									
15A NCAC 02D 1904	12-16 NCR 1482									
15A NCAC 02D 2101	13-04 NCR 356		14-07 NCR 524	L						
15A NCAC 02D 2102	13-04 NCR 356		14-07 NCR 524	L						
15A NCAC 02D 2103	13-04 NCR 356		14-07 NCR 524	L						
15A NCAC 02D 2104	13-04 NCR 356		14-07 NCR 524	L						
15A NCAC 02D 2200	11-26 NCR 1976									
15A NCAC 02E 0102	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E 0103	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E 0106	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E 0107	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E 0201	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E 0202	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E 0205	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E 0501	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3

# **CUMULATIVE INDEX** (Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02E .0502	13.20 NCR 1715		13.24 NCR 1998	S/L/SE						14.01 NCR 3
15A NCAC 02E .0503	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02E .0504	13.20 NCR 1715		13.24 NCR 1998	*						14.01 NCR 3
15A NCAC 02H .0226	12.20 NCR 1817	13.04 NCR 426 Temp Expired 05/1/99	13.05 NCR 491 14.02 NCR 80	*						
15A NCAC 02H .0806	13.04 NCR 356			L						
15A NCAC 02H .0800	13.08 NCR 621									
15A NCAC 02H .1202	11.15 NCR 1200									
15A NCAC 02H .1203	11.15 NCR 1200									
15A NCAC 02H .1204	11.15 NCR 1200									
15A NCAC 02H .1205	11.15 NCR 1200									
15A NCAC 02L .0202	13.04 NCR 356									
15A NCAC 02L .0202	14.10 NCR 743									
15A NCAC 02N	11.15 NCR 1200									
15A NCAC 02N	11.15 NCR 1204									
15A NCAC 02P	11.15 NCR 1200									
15A NCAC 02P .0402	13.24 NCR 1994	14.07 NCR 550								
15A NCAC 02Q .0102	12.16 NCR 1482									
15A NCAC 02Q .0102	13.08 NCR 621		14.03 NCR 162	*						
15A NCAC 02Q .0102	13.12 NCR 943		14.03 NCR 162	*						
15A NCAC 02Q .0102		13.18 NCR 1545	14.03 NCR 162	*						
15A NCAC 02Q .0102	13.24 NCR 1994	14.10 NCR 823	14.07 NCR 524	*						
15A NCAC 02Q .0102	14.04 NCR 265									
15A NCAC 02Q .0103	13.24 NCR 1994	14.10 NCR 823	14.07 NCR 524	*						
15A NCAC 02Q .0109	14.04 NCR 265									
15A NCAC 02Q .0202	13.24 NCR 1994	14.10 NCR 823	14.07 NCR 524	*						
15A NCAC 02Q .0304	14.04 NCR 265									
15A NCAC 02Q .0305	14.04 NCR 265									



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02Q .0306	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02Q .0401	14:04 NCR 265									
15A NCAC 02Q .0502	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	S						
15A NCAC 02Q .0503	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0507	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0508	13:08 NCR 621	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0508	14:04 NCR 265									
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0702	13:12 NCR 943		13:20 NCR 1727 14:03 NCR 162	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 02Q .0703	13:04 NCR 356			*						
15A NCAC 02Q .0703	14:04 NCR 265									
15A NCAC 02Q .0711	13:04 NCR 356									
15A NCAC 02Q .0711	13:16 NCR 1252									
15A NCAC 02Q .0800	14:04 NCR 265									
15A NCAC 02R .0204	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0205	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0600	12:02 NCR 52									
15A NCAC 02S .0101	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0102	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0201	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0202	14:04 NCR 272		14:10 NCR 755	*						
<b>Health Services, Commission for</b>										
15A NCAC 13A .0101	14:04 NCR 265		14:10 NCR 757	S						
	14:05 NCR 370		14:10 NCR 757	S						
15A NCAC 13A .0102	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0103	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0104	14:04 NCR 265		14:10 NCR 757	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 13A 0106	14-05 NCR 370		14-10 NCR 757	*						
15A NCAC 13A 0106	14-04 NCR 265		14-10 NCR 757	*						
15A NCAC 13A 0108	14-05 NCR 370		14-10 NCR 757	*						
15A NCAC 13A 0110	14-04 NCR 265		14-10 NCR 757	*						
15A NCAC 13A 0112	14-05 NCR 370		14-10 NCR 757	*						
15A NCAC 13A 0113	14-04 NCR 265		14-10 NCR 757	*						
15A NCAC 13A 0118	14-05 NCR 370		14-10 NCR 757	*						
15A NCAC 13B 1627	11-08 NCR 442		11-13 NCR 1055	*						
15A NCAC 13B 1800	11-08 NCR 442									
15A NCAC 13B 1800	11-26 NCR 1976									
15A NCAC 18A	11-04 NCR 183									
15A NCAC 18A 0100	14-09 NCR 656									
15A NCAC 18A 0300	14-09 NCR 656									
15A NCAC 18A 0400	14-09 NCR 656									
15A NCAC 18A 0432		12-14 NCR 1352								
15A NCAC 18A 0500	14-09 NCR 656									
15A NCAC 18A 0600	14-09 NCR 656									
15A NCAC 18A 0700	14-09 NCR 656									
15A NCAC 18A 0800	14-09 NCR 656									
15A NCAC 18A 0900	14-09 NCR 656									
15A NCAC 18A 1000	13-16 NCR 1252									
15A NCAC 18A 1300	13-16 NCR 1252									
15A NCAC 18A 1600	13-16 NCR 1252									
15A NCAC 18A 1601		12-21 NCR 1882	Temp Expired 01/26/99							
15A NCAC 18A 1611		12-21 NCR 1882	Temp Expired 01/26/99	*						
		13-12 NCR 979	13-20 NCR 1738		Approve	08/19/99			14-09 NCR 708	

**CUMULATIVE INDEX**  
(Updated through November 8, 1999)

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status	Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date			
Temp Expired 01/26/99									
15A NCAC 18A .1700	13-16 NCR 1252								
15A NCAC 18A .1720	12-16 NCR 1482	12-18 NCR 1713 12-21 NCR 1882 12-24 NCR 2228	Temp Expired 12/11/98 Temp Expired 01/26/99 Temp Expired 03/12/99	*	Approve	04/15/99		14-02 NCR 84	
15A NCAC 18A .1808	13-08 NCR 621		13-13 NCR 1047	*	Approve	04/15/99		14-02 NCR 84	
15A NCAC 18A .1810		12-24 NCR 2228 13-20 NCR 1740	13-13 NCR 1047	*	Approve	04/15/99		14-02 NCR 84	
15A NCAC 18A .1812	13-08 NCR 621		13-13 NCR 1047	*	Approve	04/15/99		14-02 NCR 84	
15A NCAC 18A .1938	N/A		N/A	N/A	Approve	10/04/99		14-10 NCR 839	
15A NCAC 18A .1952		13-12 NCR 979	14-03 NCR 234	*	Approve	10/04/99		14-10 NCR 839	
15A NCAC 18A .1953		13-12 NCR 979	14-03 NCR 234	*	Approve	10/04/99		14-10 NCR 839	
15A NCAC 18A .1954		13-12 NCR 979	14-03 NCR 234	*	Approve	10/04/99		14-10 NCR 839	
15A NCAC 18A .1955		13-12 NCR 979	14-03 NCR 234	*	Approve	10/04/99		14-10 NCR 839	
15A NCAC 18A .1956	N/A		N/A	N/A	Approve	10/04/99		14-10 NCR 839	
15A NCAC 18A .2400	13-16 NCR 1252								
15A NCAC 18A .2515	14-04 NCR 265								
15A NCAC 18A .2515	14-06 NCR 428								
15A NCAC 18A .2600	12-04 NCR 240								
15A NCAC 18A .2618	N/A	N/A	N/A	N/A	Approve	08/19/99		14-09 NCR 708	
15A NCAC 18A .2805	12-16 NCR 1482								
15A NCAC 18A .2806	12-16 NCR 1482								
15A NCAC 18A .2807	12-16 NCR 1482								
15A NCAC 18A .2809	12-16 NCR 1482								
15A NCAC 18A .2811	12-16 NCR 1482								
15A NCAC 18A .2814	12-16 NCR 1482								
15A NCAC 18A .2816	12-16 NCR 1482								
15A NCAC 18A .2818	12-16 NCR 1482								
15A NCAC 18A .2821	12-16 NCR 1482								



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 18A 2826	12:16 NCR 1482									
15A NCAC 18A 2835	12:16 NCR 1482									
15A NCAC 18A 2836	12:16 NCR 1482									
15A NCAC 18C 0301	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 0302	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 0303	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 0304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 0305	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 0306	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						
15A NCAC 18C 0307	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 0308	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 0309	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C 1304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						
15A NCAC 18C 1513	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 18C 1538	14:05 NCR 370		14:10 NCR 757	S/L						
15A NCAC 18C 2007	14:05 NCR 370		14:10 NCR 757	S/L/SE						
15A NCAC 18C 2008	14:05 NCR 370		14:10 NCR 757	S/L						
15A NCAC 18D 0201	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0203	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0205	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0206	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0304	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0305	13:23 NCR 1928		14:06 NCR 468	*						
15A NCAC 18D 0307	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0308	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0309	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D 0403	13:23 NCR 1928		14:06 NCR 468	S/L						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Role	Other
					Action	Date				
15A NCAC 18D .0701	13.23 NCR 1928		14.06 NCR 468	S/L						
15A NCAC 26C .0001	11.19 NCR 1408									
15A NCAC 26C .0002	11.19 NCR 1408									
15A NCAC 26C .0003	11.19 NCR 1408									
15A NCAC 26C .0004	11.19 NCR 1408									
15A NCAC 26C .0005	11.19 NCR 1408									
15A NCAC 26C .0006	11.19 NCR 1408									
15A NCAC 26C .0007	11.19 NCR 1408									
<b>Land Resources/and Quality/Sedimentation Control Commission</b>										
15A NCAC 04B .0106	12.20 NCAC 1817		13.09 NCR 760	*	Approve	08/19/99	*		14.09 NCR 708	
15A NCAC 04B .0107	12.20 NCAC 1817		13.09 NCR 760	*	Approve	08/19/99	*		14.09 NCR 708	
15A NCAC 04B .0126	14.07 NCR 520									
15A NCAC 04B .0127	12.20 NCAC 1817		13.09 NCR 760	*	Approve	08/19/99			14.09 NCR 708	
15A NCAC 04C .0107	13.12 NCR 943		13.19 NCR 1651	*	Approve	10/04/99			14.10 NCR 839	
<b>Marine Fisheries Commission</b>										
15A NCAC 03	11.11 NCR 881									
15A NCAC 03	11.20 NCR 1537									
15A NCAC 03	11.26 NCR 1985									
15A NCAC 03	13.14 NCR 1113									
15A NCAC 03	13.17 NCR 1377									
15A NCAC 03H .0101	13.14 NCR 1113	14.01 NCR 18	14.06 NCR 443	*						
15A NCAC 03H .0103	12.23 NCR 2089	14.01 NCR 18	14.06 NCR 443	*						
15A NCAC 03I .0101	13.14 NCR 1113	14.01 NCR 18	14.06 NCR 443	*						
15A NCAC 03I .0105	13.14 NCR 1113	14.01 NCR 18	14.06 NCR 443	*						
15A NCAC 03I .0106	13.14 NCR 1113	14.01 NCR 18	14.06 NCR 443	*						
15A NCAC 03I .0107	N/A		N/A	N/A	Approve	06/17/99			14.05 NCR 402	
15A NCAC 03I .0114	13.14 NCR 1113	14.01 NCR 18	14.06 NCR 443	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 03I 0120	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03I 0103		13 08 NCR 739								
15A NCAC 03I 0103	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03I 0103	14 09 NCR 688	14 09 NCR 688								
15A NCAC 03I 0104	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03I 0110	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03I 0202	11 07 NCR 407		11 11 NCR 888	*						
	13 14 NCR 1113									
15A NCAC 03I 0301	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03I 0302	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03I 0305	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03I 0402	14 09 NCR 655									
15A NCAC 03K 0101	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03K 0105	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03K 0106	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03K 0202	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03K 0502	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03L 0102	11 07 NCR 407		11 11 NCR 888	*						
15A NCAC 03L 0201	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03L 0205	14 09 NCR 688	14 09 NCR 688								
15A NCAC 03I 0206	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03M 0202	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03M 0301	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03M 0501		13 08 NCR 739								
	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03M 0503	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03M 0504	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03M 0506		13 22 NCR 1865								
15A NCAC 03M 0507	13 10 NCR 803									
15A NCAC 03M 0507	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 03M .0511	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03M .0513	11 26 NCR 1976		12 05 NCR 418	†						
15A NCAC 03M .0513	13 14 NCR 1113	14 01 NCR 18								
		14 04 NCR 323	14 06 NCR 443	*						
15A NCAC 03M .0513	13 19 NCR 1666	13 19 NCR 1666								
15A NCAC 03M .0515	12 23 NCR 2089		13 03 NCR 303	*						
15A NCAC 03M .0515	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03M .0516	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0101	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0101	14 09 NCR 688	14 09 NCR 688								
15A NCAC 03O .0102	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03O .0103	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0104	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03O .0105	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03O .0106	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0107	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03O .0108	13 14 NCR 1113	14 01 NCR 18								
		14 04 NCR 323	14 06 NCR 443	†						
15A NCAC 03O .0109	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03O .0109	14 09 NCR 688	14 09 NCR 688								
15A NCAC 03O .0110	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0111	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0201	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0301	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 03O .0302	13 14 NCR 1113	14 01 NCR 18								
		14 04 NCR 323	14 06 NCR 443	†						
15A NCAC 03O .0303	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						
15A NCAC 03O .0304	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	†						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 030 0305	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 030 0306	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 030 0307	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 030 0308	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 030 0309	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 030 0310	13 14 NCR 1113	14 01 NCR 18	14 06 NCR 443	*						
15A NCAC 030 0401	13 14 NCR 1113	13 18 NCR 1553	14 06 NCR 443	*						
15A NCAC 030 0402	13 14 NCR 1113	13 18 NCR 1553	14 06 NCR 443	*						
15A NCAC 030 0403	13 14 NCR 1113	13 18 NCR 1553	14 06 NCR 443	*						
15A NCAC 030 0404	13 14 NCR 1113	13 18 NCR 1553	14 06 NCR 443	*						
15A NCAC 030 0405	13 14 NCR 1113	13 18 NCR 1553	14 06 NCR 443	*						
15A NCAC 030 0406	13 14 NCR 1113	13 18 NCR 1553	14 06 NCR 443	*						
15A NCAC 03P 0101	N/A		N/A	N/A	Approve	07/15/99			14 06 NCR 490	
15A NCAC 03P 0102	N/A		N/A	N/A	Approve	07/15/99			14 06 NCR 490	
15A NCAC 03Q 0106	N/A		N/A	N/A	Approve	06/17/99			14 05 NCR 402	
15A NCAC 03Q 0107	11 26 NCR 1985		13 13 NCR 1043	*	Approve	05/20/99			14 04 NCR 330	
<b>Parks and Recreation Commission</b>										
15A NCAC 12A 0001	12 13 NCR 1097									
15A NCAC 12A 0004	12 13 NCR 1097									
15A NCAC 12A 0005	12 13 NCR 1097									
15A NCAC 12B 0101	12 13 NCR 1097									
15A NCAC 12B 0104	12 13 NCR 1097									
15A NCAC 12B 0106	12 13 NCR 1097									
15A NCAC 12B 0203	12 13 NCR 1097									
15A NCAC 12B 0401	12 13 NCR 1097									
15A NCAC 12B 0402	12 13 NCR 1097									
15A NCAC 12B 0501	12 13 NCR 1097									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 12B .0602	12-13 NCR 1097									
15A NCAC 12B .0701	12-13 NCR 1097									
15A NCAC 12B .0702	12-13 NCR 1097									
15A NCAC 12B .0802	12-13 NCR 1097									
15A NCAC 12B .1001	12-13 NCR 1097									
15A NCAC 12B .1004	12-13 NCR 1097									
15A NCAC 12B .1102	12-13 NCR 1097									
15A NCAC 12B .1201	12-13 NCR 1097									
<b>Water Pollution Control System Operators Certification Commission</b>										
15A NCAC 08E	11-26 NCR 1976									
15A NCAC 08F	11-26 NCR 1976									
15A NCAC 08F .0406	13-16 NCR 1252									
15A NCAC 08F .0407	13-16 NCR 1252									
<b>Waste Management</b>										
Public Notice - Seaboard Chemical Corporation										
<b>Well Contractors Certification Commission</b>										
15A NCAC 27 .0101	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Object	08/19/99			14-10 NCR 839	
15A NCAC 27 .0110	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Approve	10/04/99	*		14-09 NCR 708	
15A NCAC 27 .0201	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Approve	08/19/99	*			
15A NCAC 27 .0301	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Object	08/19/99	*		14-10 NCR 839	
15A NCAC 27 .0401	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Approve	10/04/99	*		14-10 NCR 839	
15A NCAC 27 .0410	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Approve	08/19/99	*		14-09 NCR 708	
15A NCAC 27 .0420	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Object	08/19/99	*		14-10 NCR 839	
15A NCAC 27 .0430	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Approve	10/04/99	*		14-10 NCR 839	
15A NCAC 27 .0440	13-10 NCR 803	13-12 NCR 988	13-21 NCR 1788	*	Object	08/19/99	*		14-10 NCR 839	
					Approve	10/04/99	*		14-09 NCR 708	

14-01 NCR 3



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 27 0501	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 27 0510	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 0520	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 27 0601	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	08/19/99	†		14:09 NCR 708	
15A NCAC 27 0701	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Object	08/19/99				
		Temp Expired 09/30/99			Agcy withdrew	09/30/99				
15A NCAC 27 0801	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 27 0810	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Object	08/19/99				
15A NCAC 27 0820	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 0830	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Object	08/19/99			14 10 NCR 839	
15A NCAC 27 0840	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	10/04/99	*		14:09 NCR 708	
15A NCAC 27 0901	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	08/19/99				
15A NCAC 27 0910	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Object	08/19/99			14:10 NCR 839	
15A NCAC 27 0920	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	10/04/99	*		14:09 NCR 708	
15A NCAC 27 0930	13 10 NCR 803	13 12 NCR 988	13 21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
<b>Wildlife Resources Commission</b>										
15A NCAC 10B 0100	14 08 NCR 577									
15A NCAC 10B 0105	13 07 NCR 595	13 07 NCR 595	13 12 NCR 948	*	Object	04/15/99			14:04 NCR 330	
15A NCAC 10B 0109	N/A		N/A	N/A	Approve	05/20/99	*		14:05 NCR 402	
15A NCAC 10B 0113	13 08 NCR 625	13 19 NCR 1666	13 12 NCR 948	*	Approve	06/17/99			14:02 NCR 84	
15A NCAC 10B 0115	13 18 NCR 1502		13 22 NCR 1842	*	Approve	04/15/99	*			
15A NCAC 10B 0200	14 08 NCR 577									
15A NCAC 10B 0202	13 08 NCR 625	13 19 NCR 1666	13 12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B 0203	13 08 NCR 625	13 19 NCR 1666	13 12 NCR 948	*	Approve	04/15/99	*		14:05 NCR 402	
15A NCAC 10B 0204	N/A		N/A	N/A	Approve	06/17/99			14:02 NCR 84	
15A NCAC 10B 0205	13 08 NCR 625	13 19 NCR 1666	13 12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B 0209	13 08 NCR 625	13 19 NCR 1666	13 12 NCR 948	*	Approve	04/15/99			14 02 NCR 84	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 10B .0212	13.08 NCR 625	13.19 NCR 1666	13.12 NCR 948	*	Object	04/15/99			14.04 NCR 330	
15A NCAC 10B .0302	13.08 NCR 625	13.19 NCR 1666	13.12 NCR 948	*	Approve	05/20/99	*		14.02 NCR 84	
15A NCAC 10B .0403	13.23 NCR 1928				Approve	04/15/99				
15A NCAC 10C .0107	13.08 NCR 625		13.12 NCR 948	*	Approve	04/15/99	*		14.02 NCR 84	
15A NCAC 10C .0107	14.09 NCR 655									
15A NCAC 10C .0200	14.08 NCR 577									
15A NCAC 10C .0205	13.08 NCR 625	13.19 NCR 1666	13.12 NCR 948	*	Approve	04/15/99			14.02 NCR 84	
15A NCAC 10C .0300	14.08 NCR 577									
15A NCAC 10C .0305	13.08 NCR 625	13.19 NCR 1666	13.12 NCR 948	*	Approve	04/15/99	*		14.02 NCR 84	
15A NCAC 10C .0400	14.08 NCR 577									
15A NCAC 10C .0401	13.08 NCR 625	13.19 NCR 1666	13.12 NCR 948	*	Approve	04/15/99			14.02 NCR 84	
15A NCAC 10C .0500	14.08 NCR 577									
15A NCAC 10C .0501	13.14 NCR 1113		13.20 NCR 1737	*	Approve	08/19/99	*		14.09 NCR 708	
15A NCAC 10C .0502	13.14 NCR 1113		13.20 NCR 1737	*	Approve	08/19/99	*		14.09 NCR 708	
15A NCAC 10C .0503	13.14 NCR 1113		13.20 NCR 1737	*	Approve	08/19/99			14.09 NCR 708	
15A NCAC 10D .0100	14.08 NCR 577									
15A NCAC 10D .0102	13.08 NCR 625	13.19 NCR 1666	13.12 NCR 948	*	Approve	04/15/99			14.02 NCR 84	
15A NCAC 10D .0102	13.19 NCR 1609									
15A NCAC 10D .0103	13.08 NCR 625	13.19 NCR 1666	13.12 NCR 948	*	Approve	04/15/99	*		14.02 NCR 84	
15A NCAC 10D .0103	13.19 NCR 1609	14.07 NCR 551	14.01 NCR 6	*	Approve	03/18/99			14.01 NCR 48	
15A NCAC 10F .0201	N/A		N/A	N/A	Approve	10/04/99			14.10 NCR 839	
15A NCAC 10F .0202	N/A		N/A	N/A	Approve					
15A NCAC 10F .0300	14.01 NCR 5									
15A NCAC 10F .0303	14.02 NCR 79									
15A NCAC 10F .0310	13.07 NCR 595	13.15 NCR 1231	13.11 NCR 905	L	Approve	02/18/99	*		13.24 NCR 2037	
15A NCAC 10F .0317	13.08 NCR 625		13.14 NCR 1116	*	Approve	04/15/99			14.02 NCR 84	
15A NCAC 10F .0321	13.13 NCR 1040	13.19 NCR 1666	13.19 NCR 1666	L	Approve	08/19/99			14.09 NCR 708	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 10F .0323	13.13 NCR 1040	13.19 NCR 1666	13.19 NCR 1666	L	Approve	08/19/99			14.09 NCR 708	
15A NCAC 10F .0327	14.08 NCR 577									
15A NCAC 10F .0330	13.03 NCR 269	13.07 NCR 595	13.07 NCR 595	S/L	Approve	04/15/99			14.02 NCR 84	
15A NCAC 10F .0330	13.11 NCR 855	13.15 NCR 1217	13.15 NCR 1231	L	Approve	04/15/99			14.02 NCR 84	
15A NCAC 10F .0332	14.08 NCR 577									
15A NCAC 10F .0333	14.02 NCR 79		14.08 NCR 580	L						
15A NCAC 10F .0336	14.08 NCR 577									
15A NCAC 10F .0339	13.13 NCR 1040	13.19 NCR 1666	13.19 NCR 1666	L	Approve	08/19/99			14.09 NCR 708	
15A NCAC 10F .0339	13.23 NCR 1928		14.08 NCR 580	L						
15A NCAC 10F .0342	13.07 NCR 585	13.15 NCR 1231	13.11 NCR 905	L	Approve	02/18/99	*		13.24 NCR 2037	
15A NCAC 10F .0353	14.02 NCR 79									
15A NCAC 10F .0354	14.02 NCR 79									
15A NCAC 10F .0355	14.04 NCR 272		14.08 NCR 580	L						
15A NCAC 10F .0367	13.14 NCR 1113	13.19 NCR 1666	13.19 NCR 1666	L	Approve	08/19/99			14.09 NCR 708	
<b>FINAL DECISION LETTERS</b>										
Voting Rights Act										14.02 NCR 75
Voting Rights Act										14.03 NCR 123
Voting Rights Act										14.04 NCR 263
Voting Rights Act										14.08 NCR 576
Voting Rights Act										14.10 NCR 739
<b>FORESTERS, BOARD OF REGISTRATION FOR</b>										
21 NCAC 20 .0101		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99			14.10 NCR 839	
21 NCAC 20 .0103		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99	*		14.10 NCR 839	
21 NCAC 20 .0104		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99	*		14.10 NCR 839	
21 NCAC 20 .0105		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99	*		14.10 NCR 839	
21 NCAC 20 .0106		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99	*		14.10 NCR 839	
21 NCAC 20 .0117		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99	*		14.10 NCR 839	



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 20 .0120		13.19 NCR 1695	13.23 NCR 1942	*	Object	10/04/99				
21 NCAC 20 .0122		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99	*		14.10 NCR 839	
21 NCAC 20 .0123		13.19 NCR 1695	13.23 NCR 1942	*	Approve	10/04/99	*		14.10 NCR 839	
<b>GENERAL CONTRACTORS LICENSING BOARD</b>										
21 NCAC 12 .0202	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0204		13.06 NCR 568	13.13 NCR 1048	*	Approve	05/20/99			14.04 NCR 330	
21 NCAC 12 .0204	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0205	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0209	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0307	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0402	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0405	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0410	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0503	11.28 NCR 2117									
21 NCAC 12 .0504	11.28 NCR 2117									
21 NCAC 12 .0504	13.13 NCR 1040		13.18 NCR 1524 13.24 NCR 2015 14.06 NCR 474	*						
21 NCAC 12 .0901	13.22 NCR 1821									
21 NCAC 12 .0902	11.28 NCR 2117									
21 NCAC 12 .0905	11.28 NCR 2117									
21 NCAC 12 .0906	11.28 NCR 2117									
21 NCAC 12 .0907	11.28 NCR 2117									
21 NCAC 12 .0907	13.22 NCR 1821		14.06 NCR 474	*						
21 NCAC 12 .0908	11.28 NCR 2117									
21 NCAC 12 .0909	11.28 NCR 2117									
21 NCAC 12 .0910	11.28 NCR 2117									
21 NCAC 12 .0911	11.28 NCR 2117									
21 NCAC 12 .0912	11.28 NCR 2117									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

## GEOLOGISTS, BOARD FOR LICENSING OF

21 NCAC 21 .0501 14.05 NCR 372  
 21 NCAC 21 .0514 14.05 NCR 372  
 21 NCAC 21 .0515 14.05 NCR 372  
 21 NCAC 21 .1101 14.05 NCR 372  
 21 NCAC 21 .1102 14.05 NCR 372

## GOVERNOR'S EXECUTIVE ORDERS

Number 152 - Eff. 05/21/99 14.01 NCR 1  
 Number 153 - Eff. 05/28/99 14.02 NCR 72  
 Number 154 - Eff. 07/14/99 14.06 NCR 426  
 Number 155 - Eff. 07/20/99 14.07 NCR 510  
 Number 156 - Eff. 07/20/99 14.07 NCR 510  
 Number 157 - Eff. 08/13/99 14.07 NCR 510  
 Number 158 - Eff. 08/30/99 14.08 NCR 574  
 Number 159 - Eff. 09/15/99 14.08 NCR 574  
 Number 160 - Eff. 09/16/99 14.08 NCR 574  
 Number 161 - Eff. 09/19/99 14.10 NCR 737  
 Number 162 - Eff. 10/18/99 14.10 NCR 737  
 Number 163 - Eff. 10/18/99 14.10 NCR 737  
 Number 164 - Eff. 10/18/99 14.10 NCR 737

## GOVERNOR, OFFICE OF

9 NCAC 05G .0101 14.03 NCR 245  
 9 NCAC 05G .0102 14.03 NCR 245  
 9 NCAC 05G .0103 14.03 NCR 245  
 9 NCAC 05G .0104 14.03 NCR 245

## HEALTH AND HUMAN SERVICES

Aging

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 22	10 23 NCR 2956									
<b>Blind/State Rehabilitation Council, Commission for the</b>										
10 NCAC 19G .0823		13.17 NCR 1378	13.21 NCR 1785	*						
10 NCAC 19G .0827		13.17 NCR 1378	13.21 NCR 1785	*						
<b>Child Day Care Commission</b>										
10 NCAC 03U .0102	12 21 NCR 1873		14 03 NCR 154	*						
10 NCAC 03U .0700	14 10 NCR 742									
10 NCAC 03U .2501	12 21 NCR 1873		14 03 NCR 154	*						
10 NCAC 03U .2502	12 21 NCR 1873		14 03 NCR 154	*						
10 NCAC 03U .2510	12 21 NCR 1873		14 03 NCR 154	L						
10 NCAC 03U .2804	12 21 NCR 1873		14 03 NCR 154	*						
10 NCAC 03U .2811	12 21 NCR 1873		14 03 NCR 154	S						
<b>Controller, Office of</b>										
10 NCAC 01B .0418	13 14 NCR 1109		13 22 NCR 1823	*	Approve	07/15/99	*		14 06 NCR 490	
10 NCAC 01B .0419	13 14 NCR 1109		13 22 NCR 1823	*	Approve	07/15/99	*		14 06 NCR 490	
10 NCAC 01B .0420	13 14 NCR 1109		13 22 NCR 1823	*	Approve	07/15/99	*		14 06 NCR 490	
10 NCAC 01B .0501	14 07 NCR 518	14 08 NCR 594								
10 NCAC 01B .0502	14 07 NCR 518	14 08 NCR 594								
<b>Facility Services</b>										
<b>Abbreviated Notice of Temporary Rule-Making</b>										
10 NCAC 03R .1613		13.14 NCR 1119	14 04 NCR 279	*						14 04 NCR 264
10 NCAC 03R .1615		13.14 NCR 1119	14 04 NCR 279	*						
10 NCAC 03R .1713		13.14 NCR 1119	14 04 NCR 279	*						
10 NCAC 03R .1714		13.14 NCR 1119	14 04 NCR 279	*						
10 NCAC 03R .1715		13.14 NCR 1119	14 04 NCR 279	*						
10 NCAC 03R .1912		13.14 NCR 1119	14 04 NCR 279	*						
10 NCAC 03R .1913		13 14 NCR 1119	14 04 NCR 279	*						



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status			Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date	Date				
10 NCAC 03R 1914		13.14 NCR 1119	14.04 NCR 279	*							
10 NCAC 03R 2113		13.14 NCR 1119	14.04 NCR 279	*							
10 NCAC 03R 2713		13.14 NCR 1119	14.04 NCR 279	*							
10 NCAC 03R 2715		13.14 NCR 1119	14.04 NCR 279	*							
10 NCAC 03R 4203		13.14 NCR 1119	14.04 NCR 279	*							
10 NCAC 03R 6001	11.22 NCR 1704										
10 NCAC 03R 6112		12.15 NCR 1431 Temp Expired 04/15/99	13.02 NCR 178	S/L/SE	Object Object Returned to Agy	10/22/98 12/17/98 04/15/99					
10 NCAC 03R 6201		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6202		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6203		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6204		14.04 NCR 314									
10 NCAC 03R 6204		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6205		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6206		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6207		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6208		13.14 NCR 1119	14.03 NCR 130	S/L/SE							
10 NCAC 03R 6209		13.14 NCR 1119	14.03 NCR 130	S/L/SE							
10 NCAC 03R 6210		13.14 NCR 1119	14.03 NCR 130	S/L/SE							
10 NCAC 03R 6211		14.04 NCR 314									
10 NCAC 03R 6212		13.14 NCR 1119	14.03 NCR 130	S/L/SE							
10 NCAC 03R 6213		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6214		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6215		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6216		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6217		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6218		13.14 NCR 1119	14.03 NCR 130	*							
10 NCAC 03R 6219		13.14 NCR 1119	14.03 NCR 130	*							

# **CUMULATIVE INDEX** (Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03R .6220		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6221		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
		14.04 NCR 314								
10 NCAC 03R .6222		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6223		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6224		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6225		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6226		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6227		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6228		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6229		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6230		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6231		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6232		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6233		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6234		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6235		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6236		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6237		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6238		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6239		13.14 NCR 1119	14.03 NCR 130	S/L/SE						
10 NCAC 03R .6240		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03R .6241		13.14 NCR 1119	14.03 NCR 130	*						
10 NCAC 03S .0108	12.24 NCR 2194		14.05 NCR 374	*						
10 NCAC 03S .0109	12.24 NCR 2194		14.05 NCR 374	*						
10 NCAC 03S .0207	12.24 NCR 2194		14.05 NCR 374	*						
10 NCAC 03S .0208	12.24 NCR 2194		14.05 NCR 374	*						
10 NCAC 03S .0209	12.24 NCR 2194		14.05 NCR 374	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03S 0210	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0211	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0213	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0214	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0307	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0308	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0407	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0408	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0506	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0507	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0508	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0509	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0510	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0511	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0614	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0615	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0616	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0617	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0618	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0619	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0706	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0707	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0806	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0807	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0808	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0901	12 24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S 0902	12 24 NCR 2194		14:05 NCR 374	*						



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03S .0903	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0904	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1001	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1002	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1003	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1004	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1005	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1006	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1101	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1201	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1202	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1203	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1204	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1205	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1206	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1207	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1301	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1302	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1303	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1401	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1501	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1601	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1701	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1702	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1801	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1802	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1803	12:24 NCR 2194		14:05 NCR 374	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03S 1804	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 1805	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 1806	12 24 NCR 2194		14 05 NCR 374	†						
10 NCAC 03S 1901	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 1902	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 1903	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 2001	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 2002	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 2101	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 2102	12 24 NCR 2194		14 05 NCR 374	†						
10 NCAC 03S 2103	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 2104	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 2105	12 24 NCR 2194		14 05 NCR 374	*						
10 NCAC 03S 2106	12 24 NCR 2194		14 05 NCR 374	*						
<b>Health Services, Commission for</b>										
15A NCAC 16A 1104	13 14 NCR 1114		14 01 NCR 12	*	<b>Object</b>	<b>10/04/99</b>				
15A NCAC 16A 1106	13 14 NCR 1114		14 01 NCR 12	*	Approve	10/04/99			14 10 NCR 839	
15A NCAC 19A 0401	13 11 NCR 855	13 24 NCR 2034	13 24 NCR 2004	*	Approve	10/04/99	*		14 10 NCR 839	
15A NCAC 19A 0401	13 22 NCR 1818	13 24 NCR 2034	13 24 NCR 2004	*	Approve	10/04/99	†		14 10 NCR 839	
15A NCAC 19A 0401	14 06 NCR 483	14 06 NCR 483	14 10 NCR 767	*						
15A NCAC 19A 0404	13 11 NCR 855		13 24 NCR 2004	*	Approve	10/04/99			14 10 NCR 839	
15A NCAC 19A 0404	13 22 NCR 1818		13 24 NCR 2004	*	Approve	10/04/99			14 10 NCR 839	
15A NCAC 19A 0406	13 11 NCR 855		13 24 NCR 2004	*	Approve	10/04/99			14 10 NCR 839	
15A NCAC 19A 0406	13 22 NCR 1818		13 24 NCR 2004	*	Approve	10/04/99			14 10 NCR 839	
15A NCAC 19A 0502	13 11 NCR 855	13 13 NCR 1059	13 24 NCR 2004	*	Approve	10/04/99	*		14 10 NCR 839	
15A NCAC 19A 0502	13 22 NCR 1818		13 24 NCR 2004	*	Approve	10/04/99	*		14 10 NCR 839	
15A NCAC 21F 1201	14 03 NCR 126	14 06 NCR 483	14 10 NCR 767	*	Approve	10/04/99			14 10 NCR 839	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 21F .1202	14-03 NCR 126	14-06 NCR 483	14-10 NCR 767	*						
15A NCAC 21F .1203	14-03 NCR 126	14-06 NCR 483	14-10 NCR 767	*						
15A NCAC 21F .1204	14-03 NCR 126	14-06 NCR 483	14-10 NCR 767	*						
15A NCAC 21H .0110	12-20 NCR 1822		13-07 NCR 591	S	Extended Rev	01/21/99				
15A NCAC 21H .0111	12-20 NCR 1822		13-07 NCR 591	S	Agcy Withdraw	02/02/99	*		13-22 NCR 1868	
15A NCAC 21H .0113	12-20 NCR 1822		13-07 NCR 591	*	Approve	01/21/99			13-22 NCR 1868	
15A NCAC 21H .0314	14-03 NCR 126	14-06 NCR 483	14-10 NCR 767	*	Approve	01/21/99				
15A NCAC 21F .0102	14-04 NCR 272									
15A NCAC 21F .0103	14-04 NCR 272									
15A NCAC 21H .0102	14-04 NCR 272									
15A NCAC 21J .0103	14-04 NCR 272									
15A NCAC 23 .0201	13-22 NCR 1820		14-02 NCR 80	*	Approve	10/04/99			14-10 NCR 839	
15A NCAC 23 .0202	13-22 NCR 1820	13-18 NCR 1555	14-02 NCR 80	S/L	Approve	10/04/99			14-10 NCR 839	
15A NCAC 23 .0204	13-22 NCR 1820		14-02 NCR 80	*	Approve	10/04/99			14-10 NCR 839	
15A NCAC 23 .0501	13-22 NCR 1820		14-02 NCR 80	*	Approve	10/04/99			14-10 NCR 839	
15A NCAC 24A .0402	14-03 NCR 126	14-06 NCR 483	14-10 NCR 767	*	Approve	10/04/99			14-10 NCR 839	
15A NCAC 24A .0403	14-03 NCR 126	14-06 NCR 483	14-10 NCR 767	*						
15A NCAC 26C	13-22 NCR 1820									
15A NCAC 26C .0101	13-22 NCR 1820		14-01 NCR 12	*						
15A NCAC 26C .0102	13-22 NCR 1820		14-01 NCR 12	*						
15A NCAC 26C .0103	13-22 NCR 1820		14-01 NCR 12	*						
15A NCAC 26C .0104	13-22 NCR 1820		14-01 NCR 12	*						
15A NCAC 26C .0105	13-22 NCR 1820		14-01 NCR 12	*						
15A NCAC 26C .0106	13-22 NCR 1820		14-01 NCR 12	*						
15A NCAC 26C .0107	13-22 NCR 1820		14-01 NCR 12	*						
<b>Medical Assistance</b>										
10 NCAC 26B .0113	14-01 NCR 4	14-04 NCR 319								



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 26D 0101	14 09 NCR 687	14 09 NCR 687								
10 NCAC 26D 0110	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 26H 0101	11 14 NCR 1108									
10 NCAC 26H 0102	11 14 NCR 1108									
10 NCAC 26H 0212		12 09 NCR 827 Temp Expired 7/31/98								
		12 13 NCR 733								
		14 08 NCR 595								
10 NCAC 26H 0213		11 26 NCR 1997								
10 NCAC 26H 0213		12 09 NCR 827								
		13 08 NCR 733								
		14 08 NCR 595								
10 NCAC 26H 0304		13 03 NCR 316	13 08 NCR 668	S/L	Object	12/17/98 01/21/99	*		13 22 NCR 1868	
10 NCAC 26H 0304		14 05 NCR 394			Approve					
10 NCAC 26H 0401		13 02 NCR 248	13 12 NCR 947	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 26L 0101	13 02 NCR 175		13 07 NCR 588	*						
10 NCAC 26K 0106	12 05 NCR 337									
10 NCAC 26K 0106	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 26M 0203	12 05 NCR 337									
10 NCAC 26M 0204	12 06 NCR 444		13 01 NCR 5	*						
10 NCAC 26M 0301		14 04 NCR 319								
10 NCAC 26M 0302		14 04 NCR 319								
10 NCAC 26M 0303		14 04 NCR 319								
10 NCAC 26M 0304		14 04 NCR 319								
10 NCAC 26M 0305		14 04 NCR 319								
10 NCAC 50A 0604	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 50B 0101	14 07 NCR 545	14 07 NCR 545								
10 NCAC 50B 0102		13 18 NCR 1526	14 10 NCR 750	S/L/SE						

Extend. Com Period  
13 05 NCR 435

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 50B .0202	12.06 NCR 444		12.21 NCR 1875	*						
10 NCAC 50B .0302	13.02 NCR 175		13.10 NCR 806	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 50B .0305		14.03 NCR 246								
10 NCAC 50B .0311	13.03 NCR 268									
10 NCAC 50B .0311	14.07 NCR 545	14.07 NCR 545								
10 NCAC 50B .0313	13.02 NCR 175		13.10 NCR 806	*	Approve	02/18/99	*		13.24 NCR 2037	
10 NCAC 50B .0313		13.18 NCR 1526	14.10 NCR 750	S/L/SE						
10 NCAC 50B .0403	14.07 NCR 545	14.07 NCR 545								
10 NCAC 50B .0408	14.07 NCR 545	14.07 NCR 545								
<b>Medical Care Commission/Secretary of the Department of Health and Human Services</b>										
10 NCAC 42B 1201	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42B 1212	14.05 NCR 370	14.10 NCR 799								
		14.08 NCR 606								
10 NCAC 42B 1213	14.05 NCR 370	14.10 NCR 799								
		14.08 NCR 606								
10 NCAC 42B 1214	14.05 NCR 370	14.10 NCR 799								
		14.08 NCR 606								
10 NCAC 42B 1215	14.05 NCR 370									
10 NCAC 42B 1407	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42B 1707	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42B 1803	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42B 2013	14.05 NCR 370									
10 NCAC 42B 2014	14.05 NCR 370									
10 NCAC 42B 2406		14.10 NCR 799								
10 NCAC 42B 2501	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42B 2502	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42B 2503	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42B 2601		14.10 NCR 799								
10 NCAC 42C 2005	14.05 NCR 370	14.08 NCR 606								

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 42C .2011	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .2012	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .2013	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .2014	14 05 NCR 370	14 10 NCR 799								
10 NCAC 42C .2015		14 08 NCR 606								
10 NCAC 42C .2207	14 05 NCR 370	14 10 NCR 799								
10 NCAC 42C .2214	14 05 NCR 370	14 10 NCR 799								
10 NCAC 42C .2302	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .2501	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .2505	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .2506	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .2703	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3401	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3402	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3701	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3703	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3801	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3802	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3803	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3804	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3805	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3806	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3807	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3808	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3809	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42C .3810	14 05 NCR 370	14 08 NCR 606								



# **CUMULATIVE INDEX** (Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 42C .3901	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42C .3902	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42C .3903	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42C .4001		14.10 NCR 799								
10 NCAC 42D .1301	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1302	14.05 NCR 370	14.10 NCR 799								
10 NCAC 42D .1303		14.08 NCR 606								
10 NCAC 42D .1303		14.10 NCR 799								
10 NCAC 42D .1303	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1304		14.10 NCR 799								
10 NCAC 42D .1401	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1402	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1407	14.05 NCR 370	14.08 NCR 606								
		14.10 NCR 799								
10 NCAC 42D .1410	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1411	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1412	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1413	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1414	14.05 NCR 370	14.10 NCR 799								
10 NCAC 42D .1415	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1416	14.05 NCR 370	14.10 NCR 799								
10 NCAC 42D .1503	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1605	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1804	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1813	14.05 NCR 370									
10 NCAC 42D .1821	14.05 NCR 370	14.08 NCR 606								
10 NCAC 42D .1831		14.10 NCR 799								

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 42D 1832	14 05 NCR 370									
10 NCAC 42D 1833	14 05 NCR 370									
10 NCAC 42D 1901	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1902	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1903	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1904	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1905	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1906	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1907	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1908	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1909	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 1910	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2001	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2002	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2003	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2004	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2005	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2006	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2007	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2008	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2009	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2010	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2011	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2101	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2102	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2201	14 05 NCR 370	14 08 NCR 606								
10 NCAC 42D 2202	14 05 NCR 370	14 08 NCR 606								

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 42D .2203	14-05 NCR 370	14-08 NCR 606								
10 NCAC 42D .2301		14-10 NCR 799								
<b>Mental Health, Developmental Disabilities and Substance Abuse Services</b>										
10 NCAC 14V .0802	12-20 NCR 1820	13-22 NCR 1853	13-22 NCR 1853	*						
10 NCAC 14V .0803	12-20 NCR 1820	13-22 NCR 1853	13-22 NCR 1853	*						
10 NCAC 14V .0804	12-20 NCR 1820	13-22 NCR 1853	13-22 NCR 1853	*						
10 NCAC 14V .0805	12-20 NCR 1820	13-22 NCR 1853	13-22 NCR 1853	*						
10 NCAC 14V .3600	14-07 NCR 518									
10 NCAC 14V .3800	12-20 NCR 1820									
10 NCAC 14V .4000	12-20 NCR 1820									
10 NCAC 14V .4301	12-19 NCR 1762									
10 NCAC 14V .4302	12-19 NCR 1762		13-07 NCR 586	*	Approve	01/21/99	*		13-22 NCR 1868	
10 NCAC 14V .4303	12-19 NCR 1762		13-07 NCR 586	*	Object	01/21/99	*		13-24 NCR 2037	
10 NCAC 14V .4304	12-19 NCR 1762		13-07 NCR 586	*	Approve	02/18/99	*		13-22 NCR 1868	
10 NCAC 14V .4305	12-19 NCR 1762		13-07 NCR 586	*	Approve	01/21/99	*		13-22 NCR 1868	
10 NCAC 14V .4306	12-19 NCR 1762		13-07 NCR 586	*	Approve	01/21/99	*		13-22 NCR 1868	
10 NCAC 14V .5000	12-20 NCR 1820		13-07 NCR 586	*	Approve	01/21/99	*		13-22 NCR 1868	
10 NCAC 45G 0410	13-23 NCR 1947	13-23 NCR 1947	14-09 NCR 659	*						
10 NCAC 45H .0205	11-19 NCR 1762	12-24 NCR 2223	13-05 NCR 487	*						
<b>Secretary of Health and Human Services</b>										
10 NCAC 14V .7000	14-07 NCR 518									
10 NCAC 14V .7006		12-01 NCR 31	12-07 NCR 511	*						
		Temp Expired 03/28/98								
10 NCAC 14V .7201	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7202	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7203	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7204	13-05 NCR 436		13-13 NCR 1042	*						



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 14V .7205	13.05 NCR 436		13.13 NCR 1042	*						
<b>Social Services Commission</b>										
10 NCAC 24	14.06 NCR 427									
10 NCAC 29C .0103		13.06 NCR 566	13.19 NCR 1611	*	Approve	07/15/99			14.06 NCR 490	
10 NCAC 29C .0201	14.10 NCR 798	14.10 NCR 798								
10 NCAC 29C .0202	14.10 NCR 798	14.10 NCR 798								
10 NCAC 29C .0203	14.10 NCR 798	14.10 NCR 798								
10 NCAC 29C .0204	14.10 NCR 798	14.10 NCR 798								
10 NCAC 29C .0205	14.10 NCR 798	14.10 NCR 798								
10 NCAC 29C .0206	14.10 NCR 798	14.10 NCR 798								
10 NCAC 41E .0401	12.11 NCR 919		13.05 NCR 438	*					13.24 NCR 2037	
10 NCAC 41E .0403	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0404	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0405	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0406	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0501	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0502	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0503	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0504	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0505	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0506	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0507	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0508	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41E .0509	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0510	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0511	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0512	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0513	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0514	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0515	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0516	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0517	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0518	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0601	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0602	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0603	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0604	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0605	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0606	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0701	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0702	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0703	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41E .0704	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0501	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	

# **CUMULATIVE INDEX** (Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41G .0502	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0504	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0505	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0506	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0507	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0508	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0509	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0510	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0511	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0512	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0513	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0601	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0602	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0603	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0604	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0605	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0701	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0702	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0703	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41G .0704	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0705	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0706	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0707	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0708	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0801	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0802	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0803	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0804	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0805	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0806	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0807	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0808	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0809	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .0902	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .1001	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .1002	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .1004	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .1005	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .1006	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41G .1007	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41G 1008	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1009	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1010	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1011	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1012	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1013	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1101	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1102	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1103	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1104	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1105	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1106	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1201	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1202	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1203	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1204	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1205	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1206	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1207	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41G 1208	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41G .1301	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1302	12 11 NCR 919		13 05 NCR 438	+						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1303	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1304	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1305	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1306	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1307	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1308	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1309	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41G .1402	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41H	14 10 NCR 742									
10 NCAC 41I .0102	10 17 NCR 2228		10 21 NCR 2687	*						
10 NCAC 41P	14 10 NCR 742									
10 NCAC 41R .0101	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41R .0102	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41R .0103	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41R .0104	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41R .0105	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41R .0106	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41R .0107	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41S .0101	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*	Object	02/18/99			13 24 NCR 2037	



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41S 0102	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0201	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 41S 0202	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0203	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0204	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0301	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0302	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0303	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0304	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0305	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0306	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0307	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0401	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0402	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0403	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0404	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0405	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0406	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0407	12 11 NCR 919		13 05 NCR 438	*	Approve	02/18/99	*		13 24 NCR 2037	
10 NCAC 41S 0501	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41S 0502	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*		13.24 NCR 2037	
10 NCAC 41S 0503	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0504	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*		13.24 NCR 2037	
10 NCAC 41S 0505	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0506	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0601	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0602	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0603	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0604	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0605	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0606	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0607	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0608	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0609	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0610	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0611	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0612	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*		13.24 NCR 2037	
10 NCAC 41S 0613	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0614	12.11 NCR 919	14.04 NCR 321	13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
10 NCAC 41S 0615	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
			13.05 NCR 438	*						
			13.11 NCR 857	*						
			13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41S .0701	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
			13.05 NCR 438	*						
10 NCAC 41S .0702	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
			13.05 NCR 438	*						
10 NCAC 41S .0703	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
			13.05 NCR 438	*						
10 NCAC 41S .0704	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99			13.24 NCR 2037	
			13.05 NCR 438	*						
			13.11 NCR 857	*	Object	02/18/99	*			
10 NCAC 41S .0705	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0706	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0707	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0708	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*		13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0709	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0710	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0711	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0712	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41S .0713	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41T .0101	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*		13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41T .0102	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41T .0103	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*		13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41T .0104	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41T .0105	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41T .0106	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99			13.24 NCR 2037	
			13.11 NCR 857	*						
10 NCAC 41T .0201	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*		13.24 NCR 2037	



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 41T .0202	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41T .0203	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99	*		13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41T .0204	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41T .0205	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 41T .0206	12 11 NCR 919		13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
			13 05 NCR 438	*						
10 NCAC 42A .0801	14 06 NCR 427	14 08 NCR 602	13 11 NCR 857	*	Approve	02/18/99			13 24 NCR 2037	
10 NCAC 42A .0802	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0803	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0804	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0805	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0806	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0807	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0808	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0809	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42A .0810	14 06 NCR 427	14 08 NCR 602								
10 NCAC 42E	14 10 NCR 742									
10 NCAC 42E .0801	14 06 NCR 427	14 08 NCR 642								
10 NCAC 42E .1501	14 06 NCR 427	14 08 NCR 642								
10 NCAC 42E .1502	14 06 NCR 427	14 08 NCR 642								
10 NCAC 42V .0108	14 06 NCR 427	14 08 NCR 642								
10 NCAC 42Z	14 10 NCR 742									
10 NCAC 42Z .1001	14 06 NCR 427	14 08 NCR 642								
10 NCAC 47B .0103	14 07 NCR 519	14 08 NCR 602								
10 NCAC 47B .0204	14 07 NCR 519	14 08 NCR 602								
10 NCAC 47B .0407	14 07 NCR 519	14 08 NCR 602								

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
Vocational Rehabilitation Services										
10 NCAC 20A .0101	14 07 NCR 519									
10 NCAC 20A .0102	14 07 NCR 519									
10 NCAC 20B .0102	14 07 NCR 519									
10 NCAC 20B .0103	14 07 NCR 519									
10 NCAC 20B .0105	14 07 NCR 519									
10 NCAC 20B .0108	14 07 NCR 519									
10 NCAC 20B .0201	14 07 NCR 519									
10 NCAC 20B .0202	14 07 NCR 519									
10 NCAC 20B .0203	14 07 NCR 519									
10 NCAC 20B .0204	14 07 NCR 519									
10 NCAC 20B .0206	14 07 NCR 519									
10 NCAC 20B .0208	14 07 NCR 519									
10 NCAC 20B .0210	14 07 NCR 519									
10 NCAC 20B .0217	14 07 NCR 519									
10 NCAC 20B .0224		13 17 NCR 1379	14 05 NCR 392	*						
10 NCAC 20B .0225	14 07 NCR 519									
10 NCAC 20B .0228		13 17 NCR 1379	14 05 NCR 392	+						
10 NCAC 20C .0101	14 07 NCR 519									
10 NCAC 20C .0120	14 07 NCR 519									
10 NCAC 20C .0122	14 07 NCR 519									
10 NCAC 20C .0123	14 07 NCR 519									
10 NCAC 20C .0201	14 07 NCR 519									
10 NCAC 20C .0202	14 07 NCR 519									
10 NCAC 20C .0203	14 07 NCR 519									
10 NCAC 20C .0204	14 07 NCR 519									
10 NCAC 20C .0205	14 07 NCR 519									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 20C .0206	14.07 NCR 519									
10 NCAC 20C .0301	14.07 NCR 519									
10 NCAC 20C .0302	14.07 NCR 519									
10 NCAC 20C .0303	14.07 NCR 519									
10 NCAC 20C .0304	14.07 NCR 519									
10 NCAC 20C .0305	14.07 NCR 519									
10 NCAC 20C .0306	14.07 NCR 519									
10 NCAC 20C .0307	14.07 NCR 519									
10 NCAC 20C .0308	14.07 NCR 519									
10 NCAC 20C .0310	14.07 NCR 519									
10 NCAC 20C .0311	14.07 NCR 519									
10 NCAC 20C .0313	14.07 NCR 519									
10 NCAC 20C .0314	14.07 NCR 519									
10 NCAC 20C .0315	14.07 NCR 519									
10 NCAC 20C .0316	14.07 NCR 519									
10 NCAC 20C .0401	14.07 NCR 519									
10 NCAC 20C .0408	14.07 NCR 519									
10 NCAC 20C .0502	14.07 NCR 519									
10 NCAC 20C .0601	14.07 NCR 519									
10 NCAC 20C .0603	14.07 NCR 519									
10 NCAC 20C .0604	14.07 NCR 519									
10 NCAC 20D .0101	14.07 NCR 519									
10 NCAC 20D .0201	14.07 NCR 519									
10 NCAC 20D .0301	14.07 NCR 519									

## HOUSING FINANCE AGENCY

24 NCAC 01H .0103 13.22 NCR 1822

14.02 NCR 82

Agcy Withdraw 10/04/99

## INSURANCE



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
11 NCAC 06B .0201	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0202	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0203	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0204	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0205	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0301	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0302	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0303	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0304	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0401	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0402	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0403	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0404	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 06B .0405	12.09 NCR 744		14.10 NCR 752	*						
11 NCAC 10 .0105	14.10 NCR 809	14.10 NCR 809								
11 NCAC 10 .1110	14.10 NCR 809	14.10 NCR 809								
11 NCAC 11F .0401	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0402	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0403	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0404	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0405	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0501	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0502	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0503	14.10 NCR 811	14.10 NCR 811								
11 NCAC 11F .0504	14.10 NCR 811	14.10 NCR 811								
11 NCAC 12 .0308	14.10 NCR 819	14.10 NCR 819								
11 NCAC 12 .1025	N/A		N/A		Approve	10/04/99			14.10 NCR 839	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

11 NCAC 12 1701	14 10 NCR 819	14 10 NCR 819								
11 NCAC 12 1702	14 02 NCR 78		14 06 NCR 433	*						
11 NCAC 12 1702	14 10 NCR 819	14 10 NCR 819								
11 NCAC 12 1703	14 10 NCR 819	14 10 NCR 819								
11 NCAC 12 1707	14 10 NCR 819	14 10 NCR 819								
11 NCAC 12 1709	14 10 NCR 819	14 10 NCR 819								
11 NCAC 13 0317	14 10 NCR 822	14 10 NCR 822								
11 NCAC 13 0318	14 10 NCR 822	14 10 NCR 822								
11 NCAC 13 0324	14 10 NCR 822	14 10 NCR 822								
11 NCAC 13 0326	14 10 NCR 822	14 10 NCR 822								
11 NCAC 13 0406	14 10 NCR 822	14 10 NCR 822								
11 NCAC 13 0514	14 02 NCR 78		14 06 NCR 433	*						
11 NCAC 13 0518	14 02 NCR 78		14 06 NCR 433	*						

## Home Inspector Licensure Board

11 NCAC 08 1100	14 08 NCR 577									
11 NCAC 08 1300	14 08 NCR 577									

## JUSTICE

### Criminal Justice Education and Training Standards Commission

12 NCAC 09A 0103	N/A		N/A	N/A	Approve	10/04/99			14 10 NCR 839	
12 NCAC 09B 0106	N/A		N/A	N/A	Approve	10/04/99			14 10 NCR 839	
12 NCAC 09B 0107	13 14 NCR 1110		13 19 NCR 1611	*	Ext Review Return to Agency	06/17/99 07/15/99				
					Approve	10/04/99		*	14 10 NCR 839	
12 NCAC 09B 0109	13 14 NCR 1110		13 19 NCR 1611	*	Approve	06/17/99		*	14 05 NCR 402	
12 NCAC 09B 0110	13 14 NCR 1110		13 19 NCR 1611	*	Approve	06/17/99		*	14 05 NCR 402	
12 NCAC 09B 0112	13 14 NCR 1110		13 19 NCR 1611	*	Approve	06/17/99		*	14 05 NCR 402	
12 NCAC 09B 0113	13 14 NCR 1110		13 19 NCR 1611	*	Ext Review Return to Agency	06/17/99 07/15/99		*	14 05 NCR 402	
					Approve	10/04/99			14 10 NCR 839	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 09B .0115	13 14 NCR 1110		13 19 NCR 1611	*	Approve	06/17/99	*		14 05 NCR 402	
12 NCAC 09B .0201	13 14 NCR 1110		13 19 NCR 1611	*	Object Return to Agency	06/17/99 07/15/99				
12 NCAC 09B .0202	13 14 NCR 1110		13 19 NCR 1611	*	Approve Object	10/04/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0203	13 14 NCR 1110		13 19 NCR 1611	*	Return to Agency Approve Object	07/15/99 10/04/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0204	13 14 NCR 1110		13 19 NCR 1611	*	Return to Agency Approve Object	07/15/99 10/04/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0205	13 14 NCR 1110		13 19 NCR 1611	S/L	Return to Agency Approve Object	07/15/99 10/04/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0206	13 14 NCR 1110		13 19 NCR 1611	*	Return to Agency Approve Object	07/15/99 10/04/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0207	13 14 NCR 1110		13 19 NCR 1611	*	Return to Agency Approve Object	07/15/99 10/04/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0208	13 14 NCR 1110		13 19 NCR 1611	*	Return to Agency Approve Object	07/15/99 10/04/99 06/17/99	*		14 05 NCR 402	
12 NCAC 09B .0226	13 14 NCR 1110		13 19 NCR 1611	*	Approve	06/17/99			14 05 NCR 402	
12 NCAC 09B .0227	13 14 NCR 1110		13 19 NCR 1611	*	Approve Object Return to Agency	06/17/99 06/17/99 07/15/99			14 10 NCR 839	
12 NCAC 09B .0228	13 14 NCR 1110		13 19 NCR 1611	S	Approve Object Returned to Agency	10/04/99 06/17/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0232	13 14 NCR 1110		13 19 NCR 1611	S	Approve Object Return to Agency	10/04/99 06/17/99 07/15/99	*		14 10 NCR 839	
12 NCAC 09B .0233	13 14 NCR 1110		13 19 NCR 1611	S	Approve Object Return to Agency	10/04/99 06/17/99 07/15/99	*		14 10 NCR 839	
12 NCAC 09B .0302	13 14 NCR 1110		13 19 NCR 1611	*	Approve Object	10/04/99 06/17/99	*		14 10 NCR 839	
12 NCAC 09B .0303	13 14 NCR 1110		13 19 NCR 1611	*	Approve	06/17/99	*		14 05 NCR 402	



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 09B 0304	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*		14.05 NCR 402	
12 NCAC 09B 0305	13.14 NCR 1110		13.19 NCR 1611	*	Object Return to Agcy	06/17/99 07/15/99				
12 NCAC 09B 0312	13.14 NCR 1110		13.19 NCR 1611	*	Approve	10/04/99	*		14.10 NCR 839	
12 NCAC 09B 0403	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 09B 0404	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 09B 0405	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 09B 0406	13.14 NCR 1110		13.19 NCR 1611	S	Approve	06/17/99	*		14.05 NCR 402	
12 NCAC 09B 0407	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 09B 0414	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*		14.05 NCR 402	
12 NCAC 09B 0415	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*		14.05 NCR 402	
12 NCAC 09C 0211	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 09C 0212	13.14 NCR 1110		13.19 NCR 1611	*	Object Return to Agcy	06/17/99 07/15/99	*		14.10 NCR 839	
12 NCAC 09C 0213	13.14 NCR 1110		13.19 NCR 1611	*	Approve	10/04/99				
12 NCAC 09C 0403	13.14 NCR 1110		13.19 NCR 1611	*	Object Return to Agcy	06/17/99 07/15/99	*		14.10 NCR 839	
12 NCAC 09E 0107	13.14 NCR 1110		13.19 NCR 1611	*	Approve	10/04/99	*		14.10 NCR 839	
<b>Sheriffs' Education and Training Standards Commission</b>										
12 NCAC 10B 0103	13.14 NCR 1110		13.19 NCR 1637	S	Object Return to Agcy	06/17/99 07/15/99				
12 NCAC 10B 0502	13.14 NCR 1110		13.19 NCR 1637	L	Object	06/17/99				
12 NCAC 10B 0505	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 10B 0506	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 10B 0507	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 10B 0508	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99			14.05 NCR 402	
12 NCAC 10B 0509	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99			14.05 NCR 402	

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 10B .0601	13, 14 NCR 1110		13, 19 NCR 1637	S/L	Object	06/17/99				
12 NCAC 10B .0606	13, 14 NCR 1110									
12 NCAC 10B .0607	13, 14 NCR 1110									
12 NCAC 10B .0703	13, 14 NCR 1110									
12 NCAC 10B .0908	13, 14 NCR 1110									
12 NCAC 10B .1002	13, 14 NCR 1110									
12 NCAC 10B .1401	13, 14 NCR 1110									
12 NCAC 10B .1402	13, 14 NCR 1110									
12 NCAC 10B .1403	13, 14 NCR 1110									
12 NCAC 10B .1404	13, 14 NCR 1110									
12 NCAC 10B .1405	13, 14 NCR 1110									
12 NCAC 10B .1406	13, 14 NCR 1110									

## LABOR

13 NCAC 01A .0100	14-07 NCR 519									
13 NCAC 01B .0100	14-07 NCR 519									
13 NCAC 01B .0200	14-07 NCR 519									
13 NCAC 01B .0300	14-07 NCR 519									
13 NCAC 01B .0400	14-07 NCR 519									
13 NCAC 01B .0500	14-07 NCR 519									
13 NCAC 01B .0600	14-07 NCR 519									
13 NCAC 01C .0100	14-07 NCR 519									
13 NCAC 01C .0200	14-07 NCR 519									
13 NCAC 01C .0300	14-07 NCR 519									
13 NCAC 01C .0400	14-07 NCR 519									
13 NCAC 01C .0500	14-07 NCR 519									

## Boiler and Pressure Vessel Division

13 NCAC 13 .0406	13-03 NCR 269									
------------------	---------------	--	--	--	--	--	--	--	--	--

13, 08 NCR 685

\*

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

13 NCAC 13 .0409 13.03 NCR 269

13.08 NCR 685

\*

## Occupational Safety and Health

### \*Verbatim Adoption Federal Standards

13 NCAC 07A .0401 14.02 NCR 78

13 NCAC 07A .0900 11.11 NCR 881

13 NCAC 07F .1103 NCR 106

13 NCAC 07F .0101 14.02 NCR 78

13 NCAC 07F .0201 11.03 NCR 106

13 NCAC 07F .0201 14.02 NCR 78

13 NCAC 07F .0301 11.03 NCR 106

13 NCAC 07F .0410 14.02 NCR 78

13 NCAC 07F .0601 13.02 NCR 176

13 NCAC 07F .0602 13.02 NCR 176

13 NCAC 07F .0603 13.02 NCR 176

13 NCAC 07F .0604 13.02 NCR 176

13 NCAC 07F .0605 13.02 NCR 176

13 NCAC 07F .0606 13.02 NCR 176

## Retaliatory Employment Discrimination

13 NCAC 19 .0101 N/A

N/A

N/A

N/A

Approve

08/19/99

14.09 NCR 708

## Wage and Hour Division

13 NCAC 12 .0501 13.03 NCR 268

13 NCAC 12 .0801 13.03 NCR 268

13 NCAC 12 .0802 13.03 NCR 268

## LANDSCAPE ARCHITECTS, BOARD OF

21 NCAC 26 .0101 14.05 NCR 373

21 NCAC 26 .0104

Temp Expired 07/12/98

12.08 NCR 730

21 NCAC 26 .0104 14.05 NCR 373



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 26 .0105		12 08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0105	14 05 NCR 373									
21 NCAC 26 .0302		12 08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0506		12 08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0507		12 08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0508		12 08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0509		12 08 NCR 730	Temp Expired 07/12/98							
<b>MEDICAL BOARD</b>										
21 NCAC 32	13 06 NCR 538									
21 NCAC 32B	11 18 NCR 1369									
21 NCAC 32B	12 04 NCR 245									
21 NCAC 32O .0118	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32O .0119	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32O .0120	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32O .0121	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32R .0101	14 03 NCR 127									
21 NCAC 32R .0102	14 03 NCR 127									
21 NCAC 32R .0103	14 03 NCR 127									
21 NCAC 32R .0104	14 03 NCR 127									
<b>MORTUARY SCIENCE, BOARD OF</b>										
21 NCAC 34C	12 09 NCR 745									
<b>MUNICIPAL INCORPORATIONS PETITION</b>										
<b>NURSING, BOARD OF</b>										
21 NCAC 36 .0213	13 22 NCR 1821		14 02 NCR 82	*						
21 NCAC 36 .0227	14 07 NCR 521									
21 NCAC 36 .0404	14 07 NCR 521									
21 NCAC 36 .0701	14 07 NCR 521									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 36 0702	14-07 NCR 521									
21 NCAC 36 0703	14-07 NCR 521									
21 NCAC 36 0704	14-07 NCR 521									
21 NCAC 36 0705	14-07 NCR 521									
<b>NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR</b>										
21 NCAC 37D 0202		14-05 NCR 398	14-09 NCR 684	*						
21 NCAC 37D 0302	14-08 NCR 578									
21 NCAC 37D 0303	14-08 NCR 578									
21 NCAC 37D 0403	14-08 NCR 578									
21 NCAC 37D 0502	14-08 NCR 578									
21 NCAC 37D 0504	14-08 NCR 578									
21 NCAC 37D 0605	14-08 NCR 578									
21 NCAC 37D 0701	14-08 NCR 578									
21 NCAC 37E 0101	14-08 NCR 578									
21 NCAC 37E 0102		14-05 NCR 398	14-09 NCR 684	*						
21 NCAC 37E 0102	14-08 NCR 578									
21 NCAC 37F 0101	14-08 NCR 578									
21 NCAC 37F 0102		14-05 NCR 398	14-09 NCR 684	*						
21 NCAC 37F 0102	14-08 NCR 578									
21 NCAC 37G 0201		14-05 NCR 398	14-09 NCR 684	*						
21 NCAC 37G 0201	14-08 NCR 578									
21 NCAC 37G 0202	14-08 NCR 578									
21 NCAC 37H 0102		14-05 NCR 398	14-09 NCR 684	*						
21 NCAC 37H 0102	14-08 NCR 578									
21 NCAC 37H 0104	14-08 NCR 578									
21 NCAC 37I 0101	14-08 NCR 578									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
PHARMACY, BOARD OF										
21 NCAC 46 .1317	13.22 NCR 1821									
21 NCAC 46 .1413	13.22 NCR 1821		14.06 NCR 480	*						
21 NCAC 46 .1414	13.22 NCR 1821									
21 NCAC 46 .1508	13.22 NCR 1821		14.06 NCR 480	*						
21 NCAC 46 .1601	13.22 NCR 1821									
21 NCAC 46 .1608	12.24 NCR 2203									
21 NCAC 46 .1609	12.24 NCR 2203									
21 NCAC 46 .1804	12.03 NCR 168		12.07 NCR 527 12.09 NCR 797 13.02 NCR 246	*	State Budget Object Object Object Approve	03/20/98 12/17/98 02/18/99 04/15/99 05/20/99	*		14.04 NCR 330	
21 NCAC 46 .1810	13.22 NCR 1821		14.06 NCR 480	*						
21 NCAC 46 .1813	13.22 NCR 1821									
21 NCAC 46 .1814	13.22 NCR 1821		14.06 NCR 480	*						
21 NCAC 46 .1815		13.11 NCR 910	13.22 NCR 1848 13.24 NCR 2016 14.06 NCR 480	*	Approve	08/19/99	*		14.09 NCR 708	
21 NCAC 46 .1816	13.22 NCR 1821		12.07 NCR 527	*						
21 NCAC 46 .2103	12.03 NCR 168		12.09 NCR 797	*						
21 NCAC 46 .2301	12.03 NCR 168		12.07 NCR 527	*						
			12.09 NCR 797	*						
21 NCAC 46 .2306	12.24 NCR 2203		13.04 NCR 419	*	Object					11/19/98
21 NCAC 46 .2506	12.24 NCR 2203		13.04 NCR 419	*	Object					12/17/98



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 50 .0202	12.07 NCR 509									
21 NCAC 50 .0301	14.06 NCR 429									
21 NCAC 50 .0304	14.06 NCR 429									
21 NCAC 50 .0306	14.06 NCR 429									
21 NCAC 50 .0310	14.06 NCR 429									
21 NCAC 50 .0402	14.06 NCR 429									
21 NCAC 50 .0404	14.06 NCR 429									
21 NCAC 50 .0406	14.06 NCR 429									
21 NCAC 50 .0407	14.06 NCR 429									
21 NCAC 50 .0412	14.06 NCR 429									
21 NCAC 50 .0501	14.10 NCR 749									
21 NCAC 50 .0505	14.06 NCR 429									
21 NCAC 50 .0506	12.07 NCR 509	12.07 NCR 557	Temp Expired 06/28/98							
21 NCAC 50 .0506	14.06 NCR 429									
21 NCAC 50 .0508	14.06 NCR 429									
21 NCAC 50 .1004	14.10 NCR 749									
21 NCAC 50 .1006	14.10 NCR 749									
21 NCAC 50 .1101	14.06 NCR 429									
21 NCAC 50 .1102	14.06 NCR 429									
21 NCAC 50 .1201	14.06 NCR 429									
21 NCAC 50 .1202	14.06 NCR 429									
21 NCAC 50 .1203	14.06 NCR 429									
21 NCAC 50 .1204	14.06 NCR 429									
21 NCAC 50 .1205	14.06 NCR 429									
21 NCAC 50 .1206	12.07 NCR 509									
21 NCAC 50 .1206	14.06 NCR 429									
21 NCAC 50 .1207	14.06 NCR 429									

# **CUMULATIVE INDEX** (Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 50 .1208	14.06 NCR 429									
21 NCAC 50 .1209	14.06 NCR 429									
21 NCAC 50 .1210	14.06 NCR 429									
21 NCAC 50 .1211	14.06 NCR 429									
21 NCAC 50 .1212	14.06 NCR 429									
21 NCAC 50 .1213	14.06 NCR 429									
21 NCAC 50 .1214	14.06 NCR 429									
21 NCAC 50 .1302	12.07 NCR 509									
<b>PSYCHOLOGY BOARD</b>										
21 NCAC 54 .1611	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .1901	13.21 NCR 1784									
21 NCAC 54 .2006	12.05 NCR 338									
21 NCAC 54 .2010	12.05 NCR 338									
21 NCAC 54 .2104	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2301	12.05 NCR 338									
21 NCAC 54 .2302	12.05 NCR 338									
21 NCAC 54 .2303	12.05 NCR 338									
21 NCAC 54 .2304	12.05 NCR 338									
21 NCAC 54 .2305	12.05 NCR 338									
21 NCAC 54 .2306	12.05 NCR 338									
21 NCAC 54 .2307	12.05 NCR 338									
21 NCAC 54 .2308	12.05 NCR 338									
21 NCAC 54 .2309	12.05 NCR 338									
21 NCAC 54 .2310	12.05 NCR 338									
21 NCAC 54 .2311	12.05 NCR 338									
21 NCAC 54 .2312	12.05 NCR 338									
21 NCAC 54 .2313	12.05 NCR 338									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 54 .2314	12-05 NCR 338									
21 NCAC 54 .2401	12-05 NCR 338									
21 NCAC 54 .2402	12-05 NCR 338									
21 NCAC 54 .2501	12-05 NCR 338									
21 NCAC 54 .2502	12-05 NCR 338									
21 NCAC 54 .2503	12-05 NCR 338									
21 NCAC 54 .2504	12-05 NCR 338									
21 NCAC 54 .2505	12-05 NCR 338									
21 NCAC 54 .2601	12-05 NCR 338									
21 NCAC 54 .2602	12-05 NCR 338									
21 NCAC 54 .2704	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2706	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2801	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2802	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2803	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2804	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2805	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2806	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2807	12-05 NCR 338		13-13 NCR 1050	*						
<b>PUBLIC EDUCATION</b>										
16 NCAC 06B .0108		13-13 NCR 1061	13-18 NCR 1503	+	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06C .0100	14-06 NCR 428			+						
16 NCAC 06C .0102			13-18 NCR 1503	+	Return to Agency	07/15/99				
16 NCAC 06C .0103			13-18 NCR 1503	+	Return to Agency	07/15/99				
16 NCAC 06C .0200	14-06 NCR 428			+						
16 NCAC 06C .0202			13-18 NCR 1503	+	Return to Agency	07/15/99				
16 NCAC 06C .0205			13-18 NCR 1503	+	Return to Agency	07/15/99				



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
16 NCAC 06C .0205			13.24 NCR 2008	*						
16 NCAC 06C .0206			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0207			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0300	14.06 NCR 428									
16 NCAC 06C .0301			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0302			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0303			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0304			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0305			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0306			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0307			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0308			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0309			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0311			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0312			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0313			13.18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0400	14.06 NCR 428									
16 NCAC 06C .0501			13.18 NCR 1503	*	Object	07/15/99				
					Approve	08/19/99			14.09 NCR 708	
16 NCAC 06D .0103		12.22 NCR 2010 Temp Expired 02/09/99	13.18 NCR 1503	*	Approve	07/15/99	*		14.06 NCR 490	
16 NCAC 06D .0103			13.24 NCR 2008	S						
16 NCAC 06D .0210			13.18 NCR 1503	*	Approve	07/15/99	*		14.06 NCR 490	
16 NCAC 06D .0301			13.18 NCR 1503	*	Approve	07/15/99			14.06 NCR 490	
16 NCAC 06D .0302			13.18 NCR 1503	*	Approve	07/15/99			14.06 NCR 490	
16 NCAC 06D .0303			13.18 NCR 1503	*	Approve	07/15/99			14.06 NCR 490	
16 NCAC 06D .0304			13.24 NCR 2008	S						
16 NCAC 06D .0305			13.18 NCR 1503	*	Approve	07/15/99	*		14.06 NCR 490	
16 NCAC 06D .0501			13.24 NCR 2008	S						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
16 NCAC 06D .0502			13-24 NCR 2008	S						
16 NCAC 06D .0503			13-24 NCR 2008	S	Object	10/04/99				
16 NCAC 06D .0504			13-24 NCR 2008	S	Object	10/04/99				
16 NCAC 06D .0505			13-24 NCR 2008	S						
16 NCAC 06D .0506			13-24 NCR 2008	S						
16 NCAC 06D .0507			13-24 NCR 2008	S						
16 NCAC 06E .0202			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06E .0202	14-06 NCR 428									
16 NCAC 06E .0301		13-05 NCR 523								
16 NCAC 06E .0301			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0202			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0308			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0309			13-18 NCR 1503	*	Approve	07/15/99			14-06 NCR 490	
16 NCAC 06G .0311		12-22 NCR 2010 Temp Expired 02/09/99	13-18 NCR 1503	*	Approve	07/15/99	*		14-06 NCR 490	
16 NCAC 06G .0502			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06G .0502	14-06 NCR 428									
16 NCAC 06H .0101			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0103			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0103	14-06 NCR 428									
16 NCAC 06H .0105			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0106			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0106	14-06 NCR 428									
16 NCAC 06H .0107			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0107	14-06 NCR 428									
16 NCAC 06H .0108			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0109			13-18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06H .0110			13-18 NCR 1503	*	Return to Agency	07/15/99				

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
REAL ESTATE COMMISSION										
Object10/04/99										
21 NCAC 58A .0107	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0109	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0110	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0113	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0114	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0301	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0302	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0303	14.06 NCR 429		14.10 NCR 772	S						
21 NCAC 58A .0304	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0401	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0402	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0403	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0404	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0406	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0503	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0505	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0601	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .0615	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .1402	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .1703	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58A .1708	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58B .0101	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58B .0102	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58C .0105	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58C .0106	14.06 NCR 429		14.10 NCR 772	+						
21 NCAC 58C .0107	14.06 NCR 429		14.10 NCR 772	+						



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 58C 0108	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0207	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0213	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0214	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0217	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0218	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0220	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0302	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0304	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0305	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0306	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0307	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0310	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0312	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0601	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0602	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0603	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0604	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0605	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0606	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0607	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58C 0608	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58E 0102	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58E 0202	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58E 0204	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58E 0205	14-06 NCR 429		14-10 NCR 772	*						
21 NCAC 58E 0304	14-06 NCR 429		14-10 NCR 772	*						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 58E .0310	14.06 NCR 429		14.10 NCR 772	*						
21 NCAC 58E .0412	14.06 NCR 429		14.10 NCR 772	†						
21 NCAC 58E .0515	14.06 NCR 429		14.10 NCR 772	‡						
REFRIGERATION EXAMINERS, BOARD OF										
21 NCAC 60 .0102	14.08 NCR 579									
21 NCAC 60 .0207	14.08 NCR 579									
21 NCAC 60 .0311	14.08 NCR 579									
21 NCAC 60 .1102	14.08 NCR 579									
REVENUE										
17 NCAC 04B .0102	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0104	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0105	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0106	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0107	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0301	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0302	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0306	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0308	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0309	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0310	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0311	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0312	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0403	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0405	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .2902	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .4301	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .4302	N/A		13.08 NCR 690	N/A						

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status			Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date					
17 NCAC 04E .0102	N/A		13.08 NCR 690	N/A							
17 NCAC 04E .0103	N/A		13.08 NCR 690	N/A							
17 NCAC 04E .0201	N/A		13.08 NCR 690	N/A							
17 NCAC 04E .0202	N/A		13.08 NCR 690	N/A							
17 NCAC 04E .0203	N/A		13.08 NCR 690	N/A							
17 NCAC 04E .0302	N/A		13.08 NCR 690	N/A							
17 NCAC 04E .0703	N/A		13.08 NCR 690	N/A							
17 NCAC 04F .0005	N/A		13.08 NCR 690	N/A							
17 NCAC 05C .0102			12.14 NCR 1285	*							
17 NCAC 05C .0703			12.14 NCR 1285	*							
17 NCAC 06B .0105	N/A		13.08 NCR 694	N/A							
17 NCAC 06B .0118	N/A		13.09 NCR 762	N/A	Object	12/17/98					
					Object	03/18/99					
					Approve	04/15/99	*			14.02 NCR 84	
17 NCAC 07B .0124	N/A		13.08 NCR 695	N/A							
17 NCAC 07B .0125	N/A		13.08 NCR 695	N/A							
17 NCAC 07B .2101	N/A		13.09 NCR 767	N/A							
17 NCAC 09K .0601	N/A		13.08 NCR 695	N/A							
<b>SECRETARY OF STATE</b>											
18 NCAC 06 .1212		13.14 NCR 1151									
		14.08 NCR 645	14.08 NCR 645	*							
18 NCAC 06 .1304		13.14 NCR 1151									
		14.08 NCR 645	14.08 NCR 645	*							
18 NCAC 06 .1502		13.14 NCR 1151									
		14.08 NCR 645	14.08 NCR 645	*							
18 NCAC 06 .1802		12.07 NCR 534	12.14 NCR 1312	*							
		Temp Expired 06/28/98									
18 NCAC 06 .1803		12.07 NCR 534	12.14 NCR 1312	*							
		Temp Expired 06/28/98									
18 NCAC 10 .0101	13.09 NCR 759	13.14 NCR 1153									
		13.18 NCR 1556									
18 NCAC 10 .0201	13.09 NCR 759	13.14 NCR 1153									
		13.18 NCR 1556									



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
18 NCAC 10 .0301	13.09 NCR 759	13.14 NCR 1153 13.18 NCR 1556								
18 NCAC 10 .0302	13.09 NCR 759	13.14 NCR 1153								
18 NCAC 10 .0303	13.09 NCR 759	13.14 NCR 1153								
18 NCAC 10 .0304	13.09 NCR 759	13.14 NCR 1153								
18 NCAC 10 .0305	13.09 NCR 759	13.14 NCR 1153 13.18 NCR 1556								
18 NCAC 10 .0306		13.18 NCR 1556								
18 NCAC 10 .0307		13.18 NCR 1556								
18 NCAC 10 .0401	13.09 NCR 759	13.14 NCR 1153 13.18 NCR 1556								
18 NCAC 10 .0402	13.09 NCR 759	13.14 NCR 1153								
18 NCAC 10 .0501	13.09 NCR 759	13.18 NCR 1556 13.14 NCR 1153 13.18 NCR 1556								

## SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

21 NCAC 63 .0101	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0102	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0103	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0104	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0105	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0201	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0202	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0204	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0205	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0206	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0207	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0208	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0209	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0210	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0211	14.09 NCR 697	14.09 NCR 697								
21 NCAC 63 .0212	14.09 NCR 697	14.09 NCR 697								

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status			Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action		Date				
21 NCAC 63 .0213	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0301	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0302	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0303	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0304	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0305	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0306	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0401	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0402	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0403	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0404	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0501	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0503	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0507	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0508	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0509	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0601	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0602	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0603	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0604	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0607	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0609	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0701	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0702	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0703	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0704	14.09 NCR 697	14.09 NCR 697									
21 NCAC 63 .0801	14.09 NCR 697	14.09 NCR 697									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 63.0802	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0803	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0804	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0805	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0806	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0807	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0808	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0809	14 09 NCR 697	14 09 NCR 697								
21 NCAC 63.0820	14 09 NCR 697	14 09 NCR 697								
<b>STATE PERSONNEL COMMISSION</b>										
25 NCAC 01B 0354	13 05 NCR 436		13 09 NCR 773	*						
25 NCAC 01B 0414	13 18 NCR 1560		13 22 NCR 1850	*	Approve	10/04/99	*		14 10 NCR 839	
25 NCAC 01B 0434	13 18 NCR 1560		13 22 NCR 1850	*	Approve	10/04/99	*		14 10 NCR 839	
25 NCAC 01B 0437	13 05 NCR 436		13 09 NCR 773	*	Object	10/04/99				
25 NCAC 01C 0214	13 18 NCR 1560		13 22 NCR 1850	*	Approve	10/04/99	*		14 10 NCR 839	
25 NCAC 01D 2516	11 13 NCR 1062		11 19 NCR 1429	*						
	Temp Expired									
25 NCAC 01D 2517	12 09 NCR 835		Temp Expired 07/31/98							
25 NCAC 01H 0602	13 05 NCR 436		13 09 NCR 773	*	Approve	10/04/99	*		14 10 NCR 839	
25 NCAC 01H 0605	13 05 NCR 436		13 09 NCR 773	*	Object	10/04/99				
25 NCAC 01H 0606	13 05 NCR 436		13 09 NCR 773	*	Object	10/04/99				
25 NCAC 01J 0503	13 05 NCR 436		13 09 NCR 773	*	Approve	10/04/99	*		14 10 NCR 839	
25 NCAC 01J 0506		13 18 NCR 1560	13 22 NCR 1850	*	Approve	10/04/99	*		14 10 NCR 839	
25 NCAC 01J 0512	13 05 NCR 436		13 09 NCR 773	*						
25 NCAC 01J 0603	13 05 NCR 436		13 09 NCR 773	*	Approve	10/04/99	*		14 10 NCR 839	
25 NCAC 01J 0603		13 18 NCR 1560	13 22 NCR 1850	*	Approve	10/04/99	*		14 10 NCR 839	

## SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

21 NCAC 68 14 10 NCR 749



# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

## TRANSPORTATION

### Highways, Division of

19A NCAC 02D .0415	13.08 NCR 626		13.14 NCR 1116	*	Approve	04/15/99			14.02 NCR 84	
19A NCAC 02E .0201	14.03 NCR 126		14.09 NCR 670	*						
19A NCAC 02E .0202	14.03 NCR 126		14.09 NCR 670	*						
19A NCAC 02E .0203	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0206	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0207	14.03 NCR 126	14.09 NCR 695	14.09 NCR 695	*						
19A NCAC 02E .0208	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0209	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0210	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0211	14.03 NCR 126		14.09 NCR 670	*						
19A NCAC 02E .0212	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0213	14.03 NCR 126		14.09 NCR 670	*						
19A NCAC 02E .0214	14.03 NCR 126		14.09 NCR 670	*						
19A NCAC 02E .0215	14.03 NCR 126	14.09 NCR 695	14.09 NCR 695	†	Approve	03/18/99	†		14.01 NCR 48	
19A NCAC 02E .0221	13.04 NCR 361		13.10 NCR 811	†	Approve	03/18/99			14.01 NCR 48	
19A NCAC 02E .0222	13.04 NCR 361		13.10 NCR 811	*						
19A NCAC 02E .0224	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0225	14.03 NCR 126		14.09 NCR 670	†						
19A NCAC 02E .0602	14.03 NCR 126	14.09 NCR 695	14.09 NCR 695	*						
19A NCAC 02E .0603	14.03 NCR 126		14.09 NCR 670	*						
19A NCAC 02E .0604	14.03 NCR 126		14.09 NCR 670	†						

### Motor Vehicles, Division of

19A NCAC 03G .0203	14.07 NCR 520									
19A NCAC 03G .0205	14.07 NCR 520									
19A NCAC 03G .0206	14.07 NCR 520									

# CUMULATIVE INDEX

(Updated through November 8, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 03G .0207	14:07 NCR 520									
19A NCAC 03G .0209	14:07 NCR 520									
19A NCAC 03G .0213	14:07 NCR 520									
19A NCAC 03I .0207	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0301	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0302	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0307	13:16 NCR 1258		13:22 NCR 1843	*	Object	07/15/99				
19A NCAC 03I .0401	13:16 NCR 1258		13:22 NCR 1843	*	Approve	08/19/99	*		14:09 NCR 708	
19A NCAC 03I .0402	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0501	13:16 NCR 1258		13:22 NCR 1843	*	Object	07/15/99	*		14:09 NCR 708	
19A NCAC 03I .0601	13:16 NCR 1258		13:22 NCR 1843	*	Approve	08/19/99			14:06 NCR 490	
19A NCAC 03I .0701	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0804	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
				*	Object	07/15/99	*		14:09 NCR 708	
					Approve	08/19/99				

## VETERINARY MEDICAL BOARD

21 NCAC 66 .0207 12:23 NCR 2089  
21 NCAC 66 .0208 12:23 NCR 2089





\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State . Zip

Place  
Stamp  
Here

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

---

## NORTH CAROLINA REGISTER ORDER FORM

☐ Please enter my subscription for the *North Carolina Register* to start with the \_\_\_\_\_ issue.  
(\$195.00/year subscription. N.C. subscribers please add sales tax.)

☐ Renew *North Carolina Register*

☐ Check Enclosed

☐ Please bill me

Please make check payable to Office of Administrative Hearings

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

## CHANGE OF ADDRESS

### 1. Present Address

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

### 2. New Address

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

---

**Office of Administrative Hearings**  
6714 Mail Service Center  
Raleigh, North Carolina 27699-6714

**Periodicals Postage  
Paid in Raleigh, NC  
USPS 016727**

\*\*\*\*\* 3-DIGIT 275

UNIV. OF NORTH CAROLINA  
LAW LIBRARY CB# 3385  
VAN HECKE-WETTACH 064-A  
CHAPEL HILL NC 27599-